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Supreme Court, U.S.
FILED

No. _____ 97-8084 MAY 4 1998

OFFICE OF THE CLERK

In The

SUPREME COURT of the UNITED STATES

October Term, 1997

GLENN LOCKERBY, In Propria Persona,

Petitioner,

vs.

THOMAS DUGAL, Attorney; KATHI MAYER, Deputy County Attorney; SANDRA HANSEN, Deputy County Attorney; CYNTHIA COLEMAN, Officer and Agent of the Pima County Sheriff's Department; PAM TREADWELL-RUBIN, Deputy County Attorney; JANE WILLIAMS, Clerk of Pima County and the PIMA COUNTY through PIMA COUNTY BOARD OF SUPERVISORS; SHERIFF DUPNIK and The PIMA COUNTY'S SHERIFF'S DEPARTMENT; STEPHEN NEELY, Pima County Attorney,

Respondents.

Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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11 pp

EXPLANATION: The Complaint of this 42 USC §§ 1985, 1986 action was filed in the District Court for the District of Arizona on June 12, 1996. According to Federal Rules of Civil Procedure, Rule 9(b) Plaintiff was required to give a sufficient showing of a claim against the Defendants of fraud on a court in the underlying 42 USC § 1983 action filed in the Pima County Superior Court for the State of Arizona, which he did. A statement of the facts in the underlying § 1983 action as it arose from the criminal case was made by plaintiff in each and every "Count" of this 42 USC §§ 1985, 1986 action to comply with Rule 9(b). The District Court and the US Court of Appeals for the Ninth Circuit decided because Plaintiff had complied with Rule 9(b) then he was attempting to re-litigate the underlying § 1983 action. Those Courts then ignored or discounted the actual claims of this action which included claims of fraud on 2 Arizona State Courts and obstruction of the underlying § 1983 action.

QUESTIONS PRESENTED

(1) Can officials of a state government enjoy immunity from this Title 42, USCS Sections 1985, 1986 lawsuit if they successfully obstruct by illegal or fraudulent means an underly ing Title 42, USCS § 1983 lawsuit brought against them for civil rights violations?

(2) If a defendant can be considered immune to a lawsuit, can a State or a County also named as a defendant be held liable for the actions of that government official who has and acts with "policy-making authority" for that State or County?

(3) Is a county attorney entitled to "absolute immunity" from lawsuit when he commits a crime while acting as a defense attorney for members of his own office or government in a U.S.C. Sec. 1983 action?

(4) Is justice denied if a court will only consider cases of sexual discrimination or harassment against women by men and not sexual discrimination or harassment against men by women of a government entity?

(5) Is it sexual discrimination or prejudism by a Court to ignore the claims and facts before it, brought by a male plaintiff because he had been wrongfully and illegally charged with child molestation and indecent exposure by adult females? Can that court ignore the claims against those 3 female prosecutors and the female Sheriff officer who then successfully conspired and obstructed by fraudulent means a § 1983 civil rights action brought by the male because of the illegal actions of those females in the criminal case? Can that Federal Court ignore the claims of the male in a Title 42, USCS §§ 1985, 1986 action against those same females for their illegal actions in the underlying § 1983 action, simply because of the prejudicial nature of those original criminal charges, illegally and wrongfully brought against that male? Must he continue to suffer the false charges by the wrongful actions of the respondents' in the underlying Title 42, USCS § 1983 action as he has claimed in this Title 42, USCS §§ 1985, 1986 action?

(6) Is a Federal Court allowed by its position to change the facts and claims of this case before it to conform to that

court's judgment on this case?

(7) Is the victim, plaintiff, entitled to civil rights and justice in a civil case, if he is not represented by an attorney?

(8) Is it a violation of the 14th Amendment to the US Constitution if a male, falsely accused of sexual crimes against females, is denied by the courts due process because of the prejudicial nature of the charges and the fact that those individuals who obstructed his § 1983 case were female government officials and their attorney? Is there a different set of laws for females than males? Or for female government officials and law-abiding male citizens?

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PETITION FOR A WRIT OF CERTIORARI

Glenn Lockerby respectfully petitions that a writ of certiorari issue to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit entered in this proceeding on October 23, 1997 in order to redress the clear error of the lower courts.

OPINIONS BELOW

The relevant opinions and orders (Exhibit B: in Appendix) of the Court of Appeal's Panel for the Ninth Circuit is unreported. The relevant opinions and orders (Exhibit C: in Appendix) of the District Court for the State of Arizona is unreported. Circuit court panel denial of rehearing en banc (Exhibit A: in Appendix).

JURISDICTION

A final Petition for Review En Banc was filed and DENIED by order of US Court of of Appeals for the Ninth Circuit on February 10th, 1998. The court of appeals entered its judgment on October 23, 1997. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

This petition was first received by the Clerk of the US Supreme Court on May 4th, 1998 within 90 days of the final Order of the court of appeals of February 10th, 1998. This petition was returned to petitioner for failure to comply with this Court's Rules of Procedure when submitting the filing fee of $300, and has been resub-

mitted and filed in corrected form within 60 days of the May 5, 1998 letter from the Clerk of this Court.

STATUTORY PROVISION INVOLVED

Title 42, U.S.C.S. §§ 1985 and 1986 provide, in relevant part, that Petitioner, Glenn Lockerby, shall have the power to sue in courts of law and equity, State or Federal, within the jurisdiction of the United States any party obstructing by fraudulent means his underlying Title 42, U.S.C. § 1983 civil rights action.

STATEMENT OF THE CASE

Petitioner, Glenn Lockerby, sued Pima County, Arizona and members thereof **in 1992** to 1996 in his underlying Title 42, U.S.C. § 1983 action for numerous documented crimes by Respondents against him in a criminal case against him, illegally caused by Respondents from 1990 to 1992. Petitioner's § 1983 action was filed in Pima Couty Superior Court in and for the State of Arizona. The Respondents committed several documented illegal acts, obstructing Petitioner's underlying § 1983 action against them. By way of the Respondents' fraud on 2 Arizona State courts and obstruction of that underlying § 1983 action, the Respondents successfully obtained a decision for **their** summary judgment motions in that underlying § 1983 action. The Pima County Superior Court stated it refused to read Petitioner's submissions in opposition to Respondents' motions for summary judgment. In the same year of the higher courts final denial

of review of that action, 1996, Petitioner filed this Title 42, U.S.C.S. §§ 1985, 1986 action (among other claims) against the original Respondents plus their attorney of the underlying § 1983 action. The district court ignored the issues of this instant case and claimed by the doctrine of res judicata the petitioner could not relitigate the claims from the actions of Respondents' in the criminal case, which he was not doing; and at the same time the district court claimed Petitioner had not filed the underlying § 1983 action, but "waited four years to file" his action in the district court regarding the civil rights violations of the criminal case and therefore the district court ruled on its erroneous statement that the instant lawsuit was barred by the statute of limitation. The district court did not recognize or refused to recognize the case before it and the claims of the instant case against Title 42, U.S.C. §§ 1985 and 1986 of the Respondents' numerous documented obstructions of the underlying § 1983 action and the Respondents' documented fraud on 2 Arizona Courts in that action. The 9th Circuit Court of Appeals' Panel affirmed the district courts' judgment and quoted the incorrect and non-existent claims listed by the district court. The 9th Circuit Court of Appeals Panel denied Petitioner's motion for the case to be heard en banc by the United States Court of Appeals For the Ninth Circuit.

A. HISTORY and CASE IN A NUTSHELL:

This may be hard to follow, but in a nutshell: Petitioner was charged in 1990 with horrible crimes he did not commit and those charges were finally dismissed in 1992, although the Respondents knew they were false charges prior to and after arresting him; In 1992 Petitioner filed a Title 42 USC

§ 1983 action in Pima County Superior Court of Arizona. That case ended in 1996 when this Court refused to hear it; The instant case is about the Respondents committing a fraud on 2 Arizona State courts in that underlying USC § 1983 action as well as Respondents' obstruction of that underlying USC §1983 action. Among other claims in the instant case, Respondents violated Title 42 USC §§ 1985, 1986, and the 14th Amendment of the U.S. Constitution. Petitioner filed thia lawsuit at bar in 1996 because the Pima County Superior Court stated that it refused to read the Petitioner's submissions (a non-contested fact). In the instant case at bar the US District Court ignored the facts and claimed in essence that the underlying §1983 case (submitted as an exhibit to that court) did not exist, thereby the Respondents' received a decision based on the Petitioner's claims were barred by the statute of limitations. At the same exact time of the District Court suggesting the underlying case did not exist that same court allowed that the claims were also barred by the doctrine of res judicata, implying that the underlying § 1983 case actually exists, so that any claim made by Petitioner (and he made none in the instant case) of any Constitutional or Civil Rights violation in the criminal has been decided and cannot be retried. That court then states claims that were not before it, as though they were, and then states they are barred by the statute of limitations and res judicata, a contradiction of terms and tion of terms and defenses. The US District Court in Arizona then gave one Respondent, Thomas Dugal, the attorney for Respondents in the underlying § 1983 case, "absolute immunity" for any claim that the Petitioner was making (of Thomas Dugal's fraud on the 2 Arizona State Courts and his obstruction

of that underlying civil rights case.) The District Court stated that Thomas Dugal had immunity as a "prosecutor", although he was not acting as one and no party claimed him to be acting as one. The implication is the District Court was declaring Thomas Dugal as the prosecutor of the criminal case, which he was not. The District Court then refused to answer the claims before it of all Respondents' fraud on 2 Arizona State Courts in the underling USC § 1983 action and Respondents' obstruction of that action in violation of Title 42 USC §§ 1985 and 1986 along with sexual discrimination, Constitutional violations, mail fraud, etc., claims of the instant case; The Court of Appeals' panel affirmed the District Court for Arizona's decision, also ignoring the facts, rules of civil procedure, US Constitution violations, and US Codes violations and their oath of office.

B. A MORE ENLARGED COMPREHENSIVE STATEMENT OF THE INSTANT CASE:

(Exhibits that are referred to herein are lettered A-D and also numbered according to the Court of Appeals for the Ninth Circuit file on this case.)

Petitioner's Federal District Court Complaint "CR 2" (attached to this Petition as Exhibit "D") arose from all Respondents' fraud on two Arizona State Courts and their obstruction in that underlying Title 42 USC § 1983 action against them.

Respondent Thomas Dugal was the defense attorney for the other Respondents in that underlying § 1983 State action and became a Respondent himself in the instant case, the District Court lawsuit, because of his participation in the fraud and the obstruction of that underlying § 1983 claim. The fraud and the obstruction of that underlying § 1983 civil rights claim took place in 2

courts: the Pima County Superior Court of Arizona and the Arizona Court of Appeals from 1992 to 1996 inclusive. Petitioner filed his underlying § 1983 action in 1992. See: "CR 24" pp. 2-52 for the facts on Petitioner's District Court Complaint "CR 2" (Ex. "D"). See also: "CR 25", the supporting exhibits of "CR 24", and the pages referenced by "CR 24".

Because of Respondents' misuse of their government positions and their obstruction of the underlying § 1983 State action and fraud on those 2 Arizona State courts, the Petitioner filed this lawsuit against the original Respondents in the § 1983 action and their attorney, in the Federal District Court for Arizona on 3/20/96.

Rule 9(b) of the Federal Rules of Civil Procedure states:

"In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred generally." (Emphasis added.)

Following that requirement in the District Court, Petitioner "stated with" considerable "particularity" and accuracy numerous "circumstances " and with evidence thereof constituting the Respondents' fraud on the 2 Arizona courts and Respondents' obstruction of that civil rights action from 1992 to 1996. Petitioner believes that the District Court held that required evidence of "averments of fraud" against the Petitioner as if the Petitioner was reclaiming facts of the criminal case, which he clearly was not doing as evidenced by the Complaint in this instant case. (See: Ex."D")

See: District Court's "ORDER", "CR 28", (Exhibit "C") pp. 3-6.

See: "CR 2" (Ex. "D") pp. 17 - 50 ; evi-

dence of false statement of facts and false affidavits submitted by Respondents in the § 1983 action in Pima County Superior Court and then the Arizona Court of Appeals.

The District Court disregarded or ignored the facts and supporting evidence in this lawsuit before it and violated the rules of civil procedure and of law relevant to summary judgment motions and granted the Respondents a decision for their summary judgment motion.

The District Court's decisions was affirmed by the Court of Appeals by that court repeating the false claims made up by the District Court of what the case actually is before it, while ignoring the actual documented claims of this case at bar.(Ex D)

Petitioner believes that he has been denied due process and justice because he is not an attorney; because he is a male; because the Respondents are predominantly female and work for the Pima County government of Arizona; and because of the prejudicial nature of the false criminal charges of "child molestation" originally brought against him (although proven to be unfounded by the evidence, by confessions of an alleged "victim" and parents, and the 43 polygraph (lie-detector) tests Petitioner took and passed, and evidence that the officer/Respondent Cynthia Coleman falsified her entire police reports, grand jury statement and arrest affidavit, and theatened people into making false statements against Petitioner, etc. as is fully documented in the underlying § 1983 action. The charges ultimately were dismissed because Petitioner refused to plea bargain to "disorderly conduct"); and because the documented facts of that criminal case and the underlying USC § 1983 action overwhelmingly support Petitioner's claims against Pima

County of Arizona Government and government officials of their outrageous standard of conduct submitting documented false affidavits and false evidence in the underlying § 1983 action in the Arizona State courts to cover up their crimes against Petitioner in the criminal case.

The District Court and then the Court of Appeals's Panel disregarded the rules, the law, the Constitution and the documented facts of this instant case before them and simply copied highly incorrect statements and conclusions supplied to them by the Respondents. Instead of doing the necessary work that an attorney for a plaintiff might be able to get the court to do, it appears that the District Court and then the Panel nel for the 9th Circuit Court simply chose the easiest way to dispense wit a pro se case, depriving the Petitioner of justice due him by the U.S. Codes, relevant laws and the United States Constitution that these judges have sworn to uphold.

The Petitioner claimed the following at the District Court level:

See: "CR 2" (Ex. "D") pages 1 through 74. Regarding the Respondents' actions in the underlying Superior Court of Pima County of Arizona § 1983 civil rights lawsuit:

a. The Respondents' committed fraud and conspired to commit fraud on on the Pima County Superior Court and the Arizona Court of Appeals by and through their attorney to obtain a decision for their 2 summary judgment motions in the civil rights § 1983 action against them that was filed in 1992 and ended in 1996. The Arizona Supreme Court refused to hear that case and the US Supreme Court denied Writ of Certiorari in 1996 of that underlying Title 42 USC § 1983.

b. The Respondents obstructed and conspired to obstruct that § 1983 action a-

gainst them by and through their attorney.

c. The Respondents committed Mail fraud.

d. The Respondents knowingly submitted to the 2 Arizona courts in that § 1983 case false affidavits and false statement of facts as the real evidence proved. The Respondents stated those affidavits and "evidence" were "in support of their 2 motions for summary judgment".

See: "CR 16", p. 1 for that quote. Compare: "CR 16" and "CR 2" (Ex. D), "CR 24", "CR 25" for evidence of the Respondents' fraudulent presentation to the Arizona State courts and their preservation and resubmissions of false "evidence" from the criminal case together with their omissions of material facts.

e. Respondents' knowingly submitted to the Arizona state courts a false statement of facts as the evidence proved while at the same time omitting the true material facts as if they did not exist, which also constitutes a fraud on the 2 courts and obstruction of a civil rights action.

f. Respondents presented written and oral false statements to the courts by and through their attorney/Respondent Thomas Dugal. The Respondents used perjured testimony and proven falsified police records and a proven falsified police affidavit as evidence/defense in that § 1983 action.

g. Respondents resubmitted in the underlying § 1983 action created and preserved false evidence from the criminal case, which also constituted fraud on the 2 Arizona State courts.

h. The Respondents that are attorneys, committed malpractice by not informing the courts of their fraud on the courts and their crimes against Petitioner. Respondents not only participated in fraud on the 2 courts and against the Petitioner in the underlying § 1983 action, but also allowed

each other to do so in order to obtain through fraudulent means a decision for their summary judgment motions. They had attempted to put the Petitioner in prison for a mandatory 137 years by fraudulant and made up "evidence", by threatening a non-victim into making a statement of claiming to be a "victim" after she had already confessed prior to petitioner's arrest to her counselor that she had sexually assaulted Petitioner and he had never done anything sexually to her, and then Respondents by similar deception and fraud in the underlying civil rights case successfully obtained a decision in their favor by the Pima County Superior Court. That court stated it refused to read the evidence and statement of facts presented to it by the it by the Petitioner, a non-contested fact. See: "CR 2" (Ex. D) pages 16 - 70, statement of the false presentations. Also See: "CR 25", Petitioner's supporting exhibits of that documented evidence against the Respondents.

i. The Respondents violated Title 42 USC §§ 1985, 1986 and perhaps again § 1983 and and Title 18, § 1341, etc. in the underlying USC § 1983 civil rights action.

j. The Respondents violated Petitioner's 14th amendment rights following the criminal case and into the § 1983 action by their refusal to prosecute Respondent Officer Cynthia Coleman for her numerous obvious documented crimes against Petitioner in the criminal case, while at the same time allowing her to continue to commit crimes against Petitioner and falsify her police her police reports/affidavits in the § 1983 case as she had done in the criminal case, further causing damage to Petitioner. She also lied under oath in her depositions in the underlying § 1983 civil rights lawsuit.

k. Respondents harbored one mother, a

fugitive from New Mexico during and after the criminal case against Petitioner. The Pima County hired her after the underlying § 1983 case started against them. She had originally attempted to extort the victim/ Petitioner's house from him months prior to the criminal case by her threats of her falsely accusing him of child molestation. She never did accuse him because she was unsuccessful with her extortion attempt. But she and her daughter were threatened into "cooperation" by Respondent Cynthia Coleman in the criminal case. She has been rewarded for her criminal activity by the Respondents refusing to arrest her on her outstanding felony and fugitive warrents in New Mexico during and after the criminal case and hired by the County in the Public Defenders' Office after the § 1983 case began. The District Court never ruled on the claim of Respondents harboring a fugitive although that court alluded to that claim being part of the underlying § 1983 action, which it was not.

l. Respondents misused their power and their government positions and failed to prevent further damages by the Respondents to the real victim, the Petitioner, during the § 1983 civil action together with deprivations of the Petitioner's Constitutional rights, including that of his right to pursue justice in the underlying § 1983 civil rights action against Respondents.

m. Those Respondents' "policy-making authority" bound the Pima County Government of Arizona by and through the Pima County Board of Supervisors to their action in the underling § 1983 claim and made the County liable for their actions. Also, the District Court never ruled on that claim of liability in the instant case.

It has been determined in the State of Arizona that the County has no immunity and

can be held liable for a decision of an individual who has "policy-making authority" whether or not the policy-maker is immune. See: City of Phoenix v. Yarnell (Smith) 205 Ariz. Adv. Rep. 44.; CV-94-0416-PR.

n. The Respondents successfully threatened the Petitioner's attorney in the underyling § 1983 action through the mail by which that attorney basically stopped working on the § 1983 claim and allowed the Pima County Superior Court to refuse to read Petitioner's Opposition motion, Statement of Facts and Exhibits, and at the same time allowing the Respondents to receive a decision by way of fraudulent means for their summary judgment motions. Also, a claim not mentioned or decided by the District Court.

o. The Respondents misdirected mail to the Petitioner in an effort to thwart the Petitioner from being able to answer their false claims to the Arizona Court of Appeals. Petitioner received their documents months late. The US District Court made no mention or ruling on that claim, either.

p. By their fraud on the lower 2 Arizona courts and their obstruction of that civil rights claim brought against them, the Respondents were therefore individually liable in the District Court action for the damages claimed in the underlying § 1983 action. The District Court did not rule on or address that claim, either.

q. Their attorney, Respondent Thomas Dugal, in that § 1983 action became a defendant in the Federal District Court case because of his actions, orchestration and and participation in the fraud on those 2 Arizona State courts and the obstruction of that underlying § 1983 action. For his actions he also then became liable for all claims brought in the § 1983 action against his clients/Respondents. The District Court ruled that Thomas Dugal has "absolute immu-

nity" as a "prosecutor", but the court did not rule according to the claim of him only acting as a defense attorney. He was not acting as a prosecutor in anything related to the Petitioner.

Issues Petitioner has raised on appeal to the Court of Appeals for the Ninth Circuit:

See: "CR 29" (Ex. "C") pp. 2-4 for the District Court's "Judgment".

a. The District Court's decision did not conform to the Rules of Civil Procedure governing summary judgment motions. That court also ruled on material facts in dispute.

b. The District Court erroneously stated in its judgment that the Petitioner was claiming in the instant case that he had been falsely accused of child molestation, falsely arrested, maliciously prosecuted, the Respondents harbored a fugitive, the Respondents relied on false police reports violated Petitioner's 5th, 6th, 14th amendment rights, Respondents illegally searched and seized Petitioner's property, etc. Those claims were in the underlying § 1983 action originating from the criminal case, other than "harboring a fugitive", a claim of the instant case. The Court of Appeals 3-judge panel repeated those false conclusions of the District Court to affirm the District Court's decision.

See: "CR 28 and 29" (EX. "C"). pages-all. The district court first refused to read or refused to consider what was before it and states what caused the underlying § 1983 cause of action; and from that obviously incorrect finding of the District Court it then ruled that Petitioner was attempting to relitigate the same claims. However, the main plainly listed claims before the District Court (Ex. D) were: 1. that the defendants by and through their attorney, al-

so named as a Respondent, committed fraud on 2 courts, The Pima County Superior Court and the Arizona Court of Appeals; and 2. that all the Respondents obstructed the underlying § 1983 civil rights action, a violation of the United States Federal Codes Title 42, sections 1985, 1986; and 3. Respondents committed Mail fraud, also not part of the § 1983 action in the Arizona State courts; 4. The Pima County Superior Court and the Arizona Court of Appeals relied on the Respondents' false submissions and false statements in those courts' determinations of the underlying §1983 action.

c. By Rule 9(b) the Federal Rules of Civil Procedure to make a claim of fraud on 2 courts the Petitioner had to and did submit numerous documented pieces of evidence of Respondents' fraud on the Arizona courts and the Respondents' obstruction of Petitioner's underlying § 1983 claim. The District Court then held that documentation against the Petitioner as a "relitigation" of the claims of the underlying § 1983 lawsuit, while that court ignored the Petitioner's actual claims of the Respondents Federal and State code violations in the underlying § 1983 action.

Note: The Distict Court never claimed in "CR 29" (Ex. "C") that the fraud on the two Arizona State courts perpetrated by the Respondents or their obstruction of the underlying § 1983 suit was being "relitigated". Therefore, that court did not properly address those issues before it. The Court of Appeals' Panel also did exactly same thing without addressing the claims before it.

d. By the rules of civil procedure, the Petitioner showed the District Court what what lead up to the underlying § 1983 action and from there how the Respondents committed fraud by their mispresentations

to the 2 Arizona courts and how the Respondents obstructed that § 1983 action and how their misrepresentation, omissions of material facts and their preservations of false "evidence" from the criminal case into the §1983 lawsuit against them, obtained for them very tainted decisions by the Pima County Superior Court and the Arizona Court of Appeals for Respondents' 2 motions for summary judgment. The US District Court focused on the claims of the underlying §1983 action and not on Petitioner's showing of his proof of the Respondents' fraud and the obstruction of that § 1983 action in violation of the Federal and State codes and law. Although Petitioner showed those errors of the District Court to the Court of Appeals, Court of Appeals' Panel simply copied and restated the grossly incorrect claims of the District Court to affirm that lower court's decision.

e. Therefore the District Court's errors are evidenced by comparing "CR 2" (Ex. D), "CR 24", and "CR 25" to its decision "CR 29" (Ex. C) along with the Respondents' Motion for Summary Judgment "CR 16". Further note: in the District Court's judgment and order, "CR 28" "CR 29" (Ex. C), there is the obvious lack of a decisive statement regarding those real claims of Petitioner's in the instant case before that court. The District Court erred both in law and in fact as to what case and what facts were before it and why it decided as it did. The District Court claims were so far off of what case was before it and the District Court ignored the claims of Petitioner's before it, so much so as to appear deliberate. That same appearance of impropriety is seen in the Court of Appeals' Panel. Petitioner asked for a reconsideration in the District Court with a clear explanation of what was the error of the court. Petitioner

also asked for a rehearing in banc in the Court of Appeals with also a detailed showing of the errors of the court's Panel by its restatement of the District Court's erroneous conclusions of claims before it in support of the District Court's decision.

f. Relevant to the rules of summary judgment, it is the duty of the court to look at the facts in a light most favorable to the non-moving party, the Petitioner. Obviously the complaint in the case at bar "CR 2" (Ex. D) repeats over and over in length that the instant case before the District Court was that the Respondents committed fraud on the 2 Arizona and greatly obstructed the underlying § 1983 civil rights action in violation of the federal codes cited as well as state law. The District Court and the Court of Appeals' Panel ignoring the claims of the instant case and the evidence is in opposition to the Rules of Civil Procedure regarding motions of summary judgment.

g. False arrest, illegal search, violations of Petitioner's 4th, 6th, and 14th amendment rights, falsification of all police reports and affidavit for arrest and seizure of property, grand jury perjury, police threatening witnesses, police lying under oath in deposition, etc. are documented proven facts that lead up to the underlying § 1983 action filed in 1992 in Pima County Superior Court for the State of Arizona. Petitioner took and passed 43 lie detector tests in regards to the criminal case and the crimes the Respondents committed against him and the false evidence of the criminal case. Even without those tests the evidence proved his innocence, the confession of the officer, the confession of the parents, the child confessing prior to Petitioner's arrest. However, the same evidence, etc. that the Respondents tried

to substituted for the real evidence and with that tried to convict the Petitioner in the criminal case, that same false evidence the Respondents resubmitted in the underlying § 1983 case. The Respondents (minus Thomas Dugal) prosecuted the Petitioner for 1½ years on zero evidence, as is documented, and on the falsified police records, officer's perjured grand jury statement and officer's falsified arrest affidavit to cover up the crimes of Respondent Officer Cynthia Coleman against Petitioner. Therefore, Petitioner had a right to pursue the underlying § 1983 civil rights claim without Respondents' illegal obstruction and without their fraud and to have the matter decided on the merits/evidence and to this date the Respondents have successfully snowed the courts with false evidence and statements to obtain tainted decisions. The Petitioner has an absolute right in the instant case to file a claim of damages for the Respondents' actions, obstructing his underlying § 1983 action.

See: Exhibit D of "CR 25" for the relevant polygraphs/lie-detector tests. See: "CR 24" and "CR 26".

h. Had the Respondents been successful in covering up the crimes committed by the Respondents against the Petitioner in the criminal case, he would have been incarcerated for approximately a 137 mandatory years for what everyone connected with the case knew he had not done, the charges of indecent exposure and child molestation. God prevented the Respondents from being successful in the evil they were perpetrating. The charges were dropped because, although the victim was facing a mandatory 137 years in prison as an innocent man, he refused to plea bargain to "disorderly conduct", a non-sexual misdemeanor, offered to him by the Respondents.

Res judicata:

a. The District Court ruled that the Respondents defense of res judicata was a valid defense. First, the District Court would have to ignore and/or rule on fact issues that the Respondents did not commit fraud on the 2 Arizona State Courts in the underlying § 1983 action; that they did not obstruct that underling civil rights action; and did not violate various constitutional rights of the Petitioner, etc. as claimed in the the case at bar, See: "CR 2" (Ex. D), "CR 24" and "CR 26", to then be able to freely and without prejudice and without violation of the rules of civil procedure and relevant law, state that the Petitioner had no basis for his claims in the instant case and for that court to make the determination that all the Petitioner was doing was "relitigating", as the court ruled, the claims from the criminal case that lead up to the underlying § 1983 action filed in the Superior Court of Pima County, Arizona.

b. In Petitioner's Complaint "CR 2" (Ex. D) pp. 16, 52, and 63, and in his opposition motion to the Respondents' motion for summary judgment in the District Court "CR 24", "CR 25", and "CR 26" Petitioner clearly pointed out several times as he did to Court of Appeals to the District Court that the Pima County Superior Court made a recorded statement in open court that it refused to read the Petitioner's "Statement of Facts" and his supporting 60+ Exhibits in his opposition motion to those Respondents' motions for summary judgment in that Superior Court, a material fact in the District Court case, not in dispute.

c. In the District Court lawsuit the Respondents never denied that the Superior Court in the underlying § 1983 action refused to read the Petitioner's statement of facts and exhibits. Petitioner pointed out

the fraud on the Pima County Superior Court to the Arizona Court of Appeals for the Ninth Circuit who simply affirmed the lower court's decision without deciding on the fraud or any other issue.

d. Res judicata hardly is a defense and the Petitioner could not have challenged the fraud by the Respondents in the underlying § 1983 action in that Superior Court since that court refused to address or read the true proven documented facts of the case before it. Had that court done so, it it would have been as obvious as any case could possibly be that the Respondents and their attorney in that underlying § 1983 action were committing fraud on that court and obstructing that § 1983 action. Petitioner should not be denied justice because any court violates the rules of civil procedure and allows the Respondents who work for the government to file false documents. That Superior Court stated in court that it was relying on those false documents of the Respondents' while at the same time refusing to read the Petitioner's opposition motion to those summary judgment motions.

e. The Pima County Superior Court's refusal to read the submissions of the Petitioner is recorded and documented in subsequent submissions of Petitioner's objections to that court for it's actions.

f. The District Court ruled, in essence, that the Respondents' fraud on the Arizona Court of Appeal should have been handled in the Pima County Superior Court before the fraud and obstruction of the § 1983 case happened again at the level of the Arizona Court of Appeals. The cart before the horse.

g. Respondent Thomas Dugal was not the attorney and had nothing to do with any of those illegal actions of the original Respondents in the criminal case which lead to the underlying § 1983 action, but only

for his participation of the fraud on the 2 Arizona courts in the § 1983 action and his involvement in the obstruction of that action in violation of the Federal codes, etc. The District Court cannot rule, as it did, on a new defendant as if that defendant had something to do with the crimes committed against the Petitioner in the criminal action that lead up to the § 1983 action.

h. As anyone can easily read from "CR 29" (Ex. C), the District Court's Judgment, that court was ruling that "the doctrine of res judicata" is specifically connected to the facts listed by that court which lead up to the underlying § 1983 suit, but not to the facts of the instant case. The District Court named the facts that lead up to the underlying § 1983 action and attached res judicata to them, i.e. false arrest, perjury, (harboring a fugitive), illegal seizure of property, falsifying all police reports of the original criminal investigation, etc. Except for the claim of "harboring a fugitive", all of those claims were not at issue before the District Court nor were they presented as claims to that court in the instant case by the Petitioner. They were issues of the underlying § 1983 case presented at that time in 1992-1996 by the petitioner. Following that District Court's mistatement of what was at issue in the case at bar that court then ruled according to its own "claims" that the doctrine of res judicata barred those "claims" being brought forward again. However, they were not being brought forward as claims, but as proven facts and the foundation for the underlying § 1983 action in the Arizona State courts where the resulting fraud and obstruction by the Respondents on those 2 courts obtained improper decisions in their favor.

i. The District Court did not address

what was before it: ie. 1. obstruction of struction of the underlying § 1983 civil rights action by the Respondents; and 2. fraud on two Arizona courts by the original Respondents in that action and by their attorney, Respondent Thomas Dugal, etc. Further evidence of what the District Court was focusing and ruling on in regards to res judicata, the District Court clearly stated in it's judgment (Ex. C) that the Petitioner "Lockerby's claims arising out of the Criminal case are therefore barred by the doctrine of res judicata". Therefore, the doctrine of res judicata had nothing to do with the real issues before the District Court in this instant case, obstruction of the underlying § 1983 action and fraud on those 2 Arizona courts. The Petitioner did not make any claims arising out of the "Criminal Case", but simply adhered to Rule 9(b) of the Fed. R. of Civ. Proc. and submitted evidence against Respondents of their fraud and obstruction in the underlying § 1983 civil rights action, resulting from those crimes/actions committed against Petitioner in the criminal case. Therefore, the District Court's statements/conclusions and decisions were incorrect and reversible error and not on point to the matter before that court, the instant case. Nor are they in the light most favorable to the non-moving party for summary judgment, Petitioner.

Immunity:

a. The District Court ruled that "county prosecutor Thomas Dugal", the Respondents attorney in the underlying § 1983 action had "absolute immunity" for "claims" "arising out of the Superior Court Action." Of course Thomas Dugal was not acting as a "county prosecutor" in the underlying civil rights claim. He was acting as the defense attorney and not immune from any claim

brought for any civil rights violations, Constitutional violations or criminal activity such as fraud on a court or obstruction of justice in a civil rights claim.

b. Any action of Thomas Dugal as the Respondents' attorney in the § 1983 action is not barred by absolute immunity. An attorney cannot knowingly file false affidavits and false documents to a court for any action and then claim absolute immunity. Thomas Dugal had the § 1983 action from 1992 to 1996 inclusively and should have been familiar enough to know that case so well as to know the truth of the matter. The Federal Codes and State laws are not just written in a book so that any attorney need not be concerned about breaking them A jury must decide whether or not any Respondent, including the Respondents' attorney Thomas Dugal, committed fraud on the 2 Arizona State courts or that any Respondent, including their attorney, obstructed a civil rights claim in violation of State and Federal codes and the Constitution of the United States. It is a Federal violatin against USC Title 42 §§ 1985 and 1986 to obstruct a civil rights USC Title 42 § 1983 action and it is not only illegal to commit a fraud on a court, it is also a violation of the Rules of Civil Procedure and the rules of ethical conduct for an attorney to do so. And it certainly can be basis for a lawsuit for legal malpractice, etc. which was part of the claims of Petitioner of the instant lawsuit before the District Court. See: "CR 2" (Ex. D) throughout.

c. The District Court's attention to and decision regarding respondent Thomas Dugal is not a showing of addressing the issues claimed against the remaining Respondents' obstruction of the underlying § 1983 action or their part in their fraud on the 2 Arizona State courts in that § 1983 action nor

did it give them any kind of immunity for their actions in that § 1983 case and three of them were prosecutors. Are the Respondents to be allowed to reap the benefits of their obstructive actions in that § 1983 lawsuit covering up their crimes in the criminal case against an innocent man? innocent man? Should the Respondents be allowed to go back to business as usual in Pima County, Arizona? How many more innocent men need to go through this before a court says "no more"?

d. The District Court cannot rule on Respondents' defense of res judicata until it first addresses whether or not the Respondents committed fraud on 2 Arizona courts and obstructed the underlying § 1983 civil rights action, as well as the other claims before the court. Material facts and issues in dispute are for a jury to decide, not the court. And those fact issues must be read by the court in a light most favorable to the non-moving party for summary judgment, the Petitioner. Most material facts were in dispute in this case as well as the underlying § 1983 action which bars a ruling for the moving part of a summary judgment motion.

e. The law is clear on the liability of the Pima County/Respondent regarding the actions of its officials with policy-making authority. And the District Court did not did not address that issue presented to it by Petitioner. Even if Respondent Thomas Dugal could be considered immune or any other defendant, the County isn't immune for his actions or the actions of any other Respondent that had "policy-making authority", binding the Pima County of Arizona to their actions.

Statute of Limitations:

a. The District Court put a date on the

time when the statue of limitations started on the case before it of 4 years earlier of March of 1992. The Respondents and the Petitioner knew that the case before the District Court was a claim alledging the Respondents' fraud on the 2 Arizona courts and the Respondents' obstruction of the underlying § 1983 action filed in 1992 in the Pima County Superior Court in and for the State of Arizona and ending in 1996 after the US Supreme Court denied the Petitioners's writ of certiorari on that case. Neither party asked the time clock to start prior to the underlying § 1983 action or prior to the fraud and the obstruction, etc. of that case that started in 1992 and ended in 1996.

b. The Federal District Court mentioned a 2 year statute of limitations for a §1983 action (Ex. C). The § 1983 action started in mid 1992 in less than 6 months after the criminal case ended. It was filed in the Pima County Superior Court and the criminal case ended in March of 1992. Therefore, Petitioner had easily started the civil rights lawsuit within the 2 year statute of limitations. The District Court erroneously and apparently prejudicially ruled that the Petitioner "waited over four years to file his action with this Court". Petitioner filed the instant case in 1996 shortly after the Respondents successfully obtained a tainted win of the underlying § 1983 action ended also in 1996. The District Court then ruled that the case before it was then "barred" by "statute of limitations." That evidences that the District Court had no idea as to what was before it or it refused to read or recognize what was before it and refused to acknowledge the existence of the underlying § 1983 action in the Arizona State Courts or that court was of the belief that since the plaintiff/Petitioner is

not an attorney he might simply accept the contradicting defenses of res judicata and statute of limitation and the way that ridiculously used those defenses to justify it's ridiculous findings and decision. The District Court may have believed that since the Petitioner was not an attorney then he might not be able to proceed beyond the District Court and therefore the issue might have died in the District Court no matter how prejudicially that Court had acted against the Petitioner, and against the Rules of Civil Procedure, against the US Constitution, against justice, against the US Codes cited by Petitioner, etc. The Court of Appeals' Panel may have seen how poorly the District Court decided and felt that since the petitioner was not an attorney then he wouldn't likely take this case to the US Supreme Court or that the US Supreme Court wouldn't bother listening to it either. What other explanation is there for such courts to ignore the facts, the laws relevant to the issues, and justice?

c. The Federal District Court in it's "conclusion" (Ex. C) ruled "accordingly" to it's own erroneous conclusions of what was before it and on all matters of fact without mentioning them of the instant lawsuit before it. That is blatant disregard of the Rules of Civil Procedure regarding summary judgment motions and highly prejudicial.

d. Therefore, the Federal District Court ruled only that the Petitioner could not relitigate the crimes committed against him of the criminal case that started in 1990 and ended in 1992. The Court made no determination as to the instant case before it of the Respondents' fraud in the underlying § 1983 action and their obstruction of that action by and through their attorney Thomas Dugal, other than it stated Thomas Dugal was "absolutely immune." And that was re-

gardless and not answering to claims in the instant case of if Thomas Dugal had committed fraud on 2 Arizona State courts courts or obstructed or conspired to obstruct the underlying § 1983 claim in full cooperation with his clients and regardless if those were in violation of the Federal Codes on obstructing a § 1983 civil rights claim, USC §§ 1985 and 1986 or in violation of state laws and laws governing attorney misconduct, malpractice, or in violation of the 14th Amendment to the US Constitution.

The Court of Appeals upheld the US District Court for Arizona's decision, thus following the same incorrect road the District Court was on, totally off the case at bar, denying the Petitioner justice because they have also refused to look at the instant case and simply carbon copy anything the District Court decided.

See question 7 of Petitioner's Brief to the Court of Appeals for the Ninth Circuit, page 4 series regarding law that supports these issues on appeal for case law and statutes, together with Petitioner's short relevant argument and quotes of their application to the issues. The 9th Circuit contradicts itself from Cooper v. Dupnik 963 F2d 1220 (9th Cir. 1992).

C. The Questions Presented Are Important:

Rules of all U.S. courts are meticulously drawn up to bring discipline and order to all courts' procedures. Those rules with the governing laws and constitutional rights are fixed in order that all people know responsibilities and that not only are we granted certain rights by God, but that God gave authority to the governments to govern with fairness, wisdom, and justice for all. We all benefit from the security in knowing that all our rights are protected, and that if someone violates those

rights there is a forum in which we can correct the injustice. If anyone, any government, any court, or any officer of the court attempts to violate any of our statutory or constitutional rights we have recourse through our courts, if need be ultimately the U.S. Supreme Court to seek or demand that the rules of court be followed, the laws be obeyed by all and that justice is upheld and no one is able act above the laws to the detriment of any person within the borders of the United States whether citizen or not.

Because of widespread litigation of civil rights violations with no end in sight, this Court can demonstrate by granting this petition, a clearer statement to all courts to uphold the Constitution of the United States and to hold responsible those who violate it. Without this Court taking strong action as the leader of justice in America, the potential for the waste of lives and resources is great. If a woman or man acting as a government agent does not have to consider her or his actions against any individual or against a court, thinking she or he is above the law or can claim immunity once she or he has violated the law and the constitutional rights of any individual, then what citizen needs to take the time to consider the logical consequences of violating the same law? The instant case and the civil rights violations and the courts not upholding the rules or laws are all documented from beginning to end. Guaranteed Constitutional protection by this Court's decisions should automatically reduce the growing documented civil rights violation atrocities of which we are becoming too familiar by insuring that those violators are automatically responsible to their victims? Government officials should be held to a higher standard of responsi-

bility, not a lower standard than the average citizen. The lower courts need a clear message that these types of suits must be handled at their level and not ignored to the point that they reach this Court. Throwing old common law immunity at new reality clearly insults the meaning of justice for all. Constitutional rights disappear if local or regional prejudices or conspiring good 'ol boy controlling attitudes or indifference are allowed to fester or govern in total disregard of those protected rights. People that engage in this kind of conduct must be held accountable and should lose their job. Anything less than that endangers the innocent, especially innocent men.

Resolution of the jurisdictional issues by this Court and a granting of certiorari are necessary in order to promote uniformity in the decisions of the lower courts or the issues will continue to arise with no end in sight until a decision is finally made. This Court is aware that only a few issues presented to this Court have been brought to it by the very poor people where many of the rights are often ignored. The petitioner was not poor when he was victimized and because of the miracles that were given to him by God, he feels responsible to fight on and it has cost him over $250,000 of his own money to date, defending all peoples' rights. He was told at the beginning of this fight by his criminal defense attorney that he should forget about it, leave the state. And Arizona was only getting worse. The petitioner asked him, "What happens to the innocent poor people?" That attorney answered, "They go to jail. The prison is full of innocent people. Most innocent people plea bargain because of the huge sentences of Arizona." In the end those responsible for the damages claim

immunity for all illegal actions taken against the victim, that is if the victim is free to pursue an unobstructed civil rights claim.

The questions presented here are Federal questions that should receive Federal determination. The lower courts have been entrusted to randomly address the issues and as the result what is illegal and a violation in one court is something to be ignored in another court in favor of the perpetrator(s). This Court should resolve any uncertainty created by those conflicting views. In sum, the authorities are in substantial disarray on matters of importance to the courts, to the citizens, to the officers or agents of the courts, to the supervisors of officers of the courts and government entities. That disarray has lead, as in the instant case, to little or no training in investigation of the alleged crimes and a disregard for the handling of the real facts of this case. Unprofessional conduct by that many united government officials in their quest to get one more notch in their belts by putting another innocent person in prison and having failed that, then to attempt to cover up their crimes against him should never be tolerated by any court or society. For no reason given the lower courts upheld the right of the Respondents to do just that. This case presents an opportunity for this Court to address the disputed or ignored Federal issues and to bring much needed guidance, certainty and uniformity to this area.

CONCLUSION

This petition for a writ of certiorari should be granted.

Respectfully resubmitted this 23rd day of June, 1998.

GLENN LOCERKBY, Petitioner
In Propria Persona,
P.O. Box 31324
Tucson, Arizona 85751
(520) 790-0181

APPENDIX

Exhibit A: United States Court of Appeals for the Ninth Circuit denial of Petitioner's motion for rehearing en banc. February 10th, 1998.

Exhibit B: United States Court of Appeals' Panel's "Memorandum". October 23rd, 1997.

Exhibit C: United States District Court for the District of Arizona "Order". October 15th, 1996. "Judgment", October 16th, 1996.

Exhibit D: Petitioner's "First Amended Complaint" in the instant case at bar, June 12th, 1996.

EXHIBIT A: App. 1

NOT FOR PUBLICATION

No. 96-17216

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GLENN LOCKERBY, Plaintiff-Appellant, vs. THOMAS DUGAL, attorney; KATHI MAYER, deputy county ty attorney; SANDRA HANSEN, deputy county attorney; CYNTHIA COLEMAN, officer and agent of the Pima County Sheriff's Department; PAM TREADWELL-RUBIN, deputy county attorney; PIMA COUNTY through PIMA COUNTY BOARD OF SUPERVISORS; clerk JANE WILLIAMS; SHERIFF DUPNIK; and the PIMA COUNTY SHERIFF'S DEPARTMENT; PIMA COUNTY ATTORNEY STEPHEN NEELY, Defendants-Appellees.	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE STATE OF ARIZONA (Filed Feb. 10, 1998) ORDER

Before: THOMPSON, T.G. NELSON, and KLEINFELD, Circuit Judges.

The clerk shall file the petition received on November 28, 1997. The panel has voted to deny appellant's petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc, and no active judge has requested a vote on whether to rehear the matter en banc. See Fed. R. App. P. 35.

The Petition for rehearing is denied, and the suggestion for rehearing en banc is rejected. No further filings will be accepted in this closed docket.

EXHIBIT B: App. 3

NOT FOR PUBLICATION

No. 96-17216

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GLENN LOCKERBY, Plaintiff-Appellant, vs. THOMAS DUGAL, attorney; KATHI MAYER, deputy county ty attorney; SANDRA HANSEN, deputy county attorney; CYNTHIA COLEMAN, officer and agent of the Pima Coun-ty Sheriff's Department; PAM TREADWELL-RUBIN, deputy county attorney; PIMA COUN-TY through PIMA COUNTY BOARD OF SUPERVISORS; clerk JANE WILLIAMS; SHERIFF DUP-NIK; and the PIMA COUNTY SHERIFF'S DEPARTMENT; PIMA COUNTY ATTORNEY STEPHEN NEELY, Defendants-Appellees.	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE STATE OF ARIZONA (Filed Oct. 23, 1997) MEMORANDUM*

Appeal from the United States District Court for the District of Arizona. Alfredo C. Marquez, District Court Judge, Presiding

Before: THOMPSON, T.G. NELSON, and KLEINFELD, Circuit Judges.

Glenn Lockerby appeals pro se the dis-

trict court's grant of summary judgment for defendants in Lockerby's 42 U.S.C. § 1983 action alleging that defendants conducted an improper criminal investigation resulting in an indictment and prosecution for child molestation, sexual abuse of a minor, and indecent exposure. The district court found that Lockerby's action was barred by res judicata and Arizona's two-year statute of limitations. The district court also found that defendant Dugal was entitled to absolute immunity. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, see Roe v. City & County of San Francisco, 109 F.3d 578 (9th Cir. 1997), and we affirm for the reasons stated in the district court's order entered on October 16, 1996. AFFIRMED.

EXHIBIT C: App. 5
(Part 1)

NOT FOR PUBLICATION

No. CIV 96-178-T-ACM

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

GLENN LOCKERBY, Plaintiff, vs. THOMAS DUGAL, attorney; KATHI MAYER, deputy county ty attorney; SANDRA HANSEN, deputy county attorney; CYNTHIA COLEMAN, officer and agent of the Pima Coun-ty Sheriff's Department; PAM TREADWELL-RUBIN, deputy county attorney; PIMA COUN-TY through PIMA COUNTY BOARD OF SUPERVISORS; clerk JANE WILLIAMS; SHERIFF DUP-NIK; and the PIMA COUNTY SHERIFF'S DEPARTMENT; PIMA COUNTY ATTORNEY STEPHEN NEELY, Defendants.	JUDGMENT IN A CIVIL CASE (Filed Oct. 16, 1996)

DECISION BY COURT. This action came under consideration before the Court. The issues sues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Defendants' Motion for Summary Judgment is GRANTED.

IT IS FURTHER ORDERED that plaintiff take nothing by way of this action.

October 15, 1996 /s/ ALFREDO C. MARQUEZ
ALFREDO C. MARQUEZ
UNITED STATES
DISTRICT JUDGE

Copies to: LOCKERBY, ANDERSON, ACM, J/B

EXHIBIT C: App. 7
(Part 2)

NOT FOR PUBLICATION

No. CIV 96-178-T-ACM

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

GLENN LOCKERBY, Plaintiff, vs. THOMAS DUGAL, Deputy County Attorney; et al., Defendants.	ORDER (Filed Oct. 15, 1996)

I. OVERVIEW:

On June 12, 1996, Plaintiff, Glenn Lockerby ("Lockerby") filed his First Amended Complaint ("Complaint") against Pima County prosecutors Thomas Dugal, Kathi Mayer, Sandra Hansen, Pam Treadwell-Rubin and Stephen Neely. Lockerby also names Pima County Deputy Cynthia Coleman, Pima County Sheriff Clarence Dupnik, the Pima County Sheriff's Department and Pima County (collectively "Defendants").[1] Lockerby alleges that the Defendants: (1) violated his civil rights pursuant to 42 U.S.C. §§ 1983, (2) violated 18 U.S.C. § 1341 (mail fraud); (3) committed malpractice; (4) violated the 5th, 6th, and 14th amendments to the United States Constitution; and (5) are guilty of harboring a fugitive.

1/ Lockerby's original Complaint was Filed on January 17, 1996.

Defendants have filed a Motion for Summary Judgment contending that Lockerby's claims are barred by: (1) res judicata; (2) the statute of limitations; and (3) immunity.

II. FACTS AND PROCEDURE:

Lockerby was indicted by the Pima County Grand Jury on September 6, 1990 in Pima County criminal case CR-31900 (the "Criminal Case"), on three counts of child molestation, one count of sexual abuse, and two counts of indecent exposure. The Criminal Case was dismissed in its entirety on March 4, 1992.

In December of 1992, Lockerby filed a lawsuit in Pima County Superior Court (the "Superior Court Action) alleging numerous claims against the same defendants as named in this action, with the exception of Pima County prosecutor Thomas Dugal ("Dugal"). In the Superior Court Action, Lockewrby's allegations arise out of the Criminal Case. Lockerby appears to have alleged that the indictment was filed without an adequate investigation, that Lockerby's counsel was not allowed to interview one of the alleged victims in the case, that the named defendants prosecuted him knowing the allegations in the criminal case were false and that the defendants "republished to numerous persons in the County defamatory statements relating to Plaintiff's alleged acts."

On July 2, 1994, the trial court judge granted summary judgment as to all defendants. On July 5, 1995, the Court of Appeals affirmed the trial court's grant of summary judgment as to all defendants. On July 5, 1995, the Court of Appeals denied Lockerby's Motion for Reconsideration. On December 11, 1995, the Arizona Supreme Court denied Lockerby's Petition for Review of the Arizona Court of Appeal's decision.

On January 18, 1996, the Arizona Supreme Court denied Lockerby's Motion to Reconsider. On January 18, 1996, the Arizona Court of Appeals issued its mandate in the case. On February 8, 1996, the Arizona Court of Appeals denied Lockerby's motion requesting a stay of the issuance of a mandate pending Lockerby's application to the United States Supreme Court for a Writ of Certiorari.

Lockerby initiated his suit in this Court on January 7, 1996. Although Lockerby's Complaint is "rambling and disjointed" he attempts to make the same allegations arising out the Criminal Case as he did in the Superior Court Action. The only discernable difference between this action and the Superior Court Action are claims added against Dugal, the prosecutor who represented the defendants in the Superior Court Action.

Lockerby alleges that the Dugal submitted fraudulent representations to the Pima County Superior Court and then to the Arizona Court of Appeals through testimony and affidavits, in order to prevail on the Motion for Summary Judgment. Lockerby also alleges that Dugal committed mail fraud when he caused the aforementioned fraudulent representations to be sent through the U.S. Mail.

Defendants request that this Court enter summary judgment in their favor with this Court finding that Plaintiff's Claims are barred by res judicata, the applicable statute of limitations and immunity.

III. DISCUSSION:

A) Res Judicata

Defendants contend that this action involves the same parties and issues as the Superior Court Action, therefore, it is barred by the doctrine of res judicata.

Pursuant to the Full Faith and Credit Act, 29 U.S.C. § 1738, we are required to

"give the same preclusive effect to a state-court judgment as another court of that State would give." International Evangelical Church v. Church of Soldiers, 54 F.3d 587, 590 (9th Cir. 1995) (quoting Parsons Steel, Inc. v. First Alabama Bank, 474 U.S. 518, 523 (1986)). We therefore look to Arizona law to determine the effect of the judgment against Lockerby in the Superior Court Action. Id. Pursuant to the doctrine of res judicata,

> [A] judgment on the merits in a prior suit involving the same parties or their privies bars a second suit based on the same cause of action. This doctrine binds the same party standing in the same capacity in subsequent litigation on the same cause of action, not only upon the facts actually litigated but also upon those points which might have been litigated.

Hawkins v. State Department of Economic Security, 183 Ariz. 100, 103 (App. 1995) (quoting Gilbert v. Board of Medical Examiners, 155 Ariz. 169, 174 (App. 1987)) (emphasis added).

Lockerby is attempting to re-litigate the same claims in the instant action as those litigated or which could have been litigated in the Superior Court Action. In the instant case Lockerby is alleging: (1) he was falsely accused of the child molestatio n and other related charges; (2) he was falsely arrested; (3) County prosecutors conspired to and did maliciously prosecute him; (4) the Defendants refused to arrest the mother of the victim; (5) the Defendants relied on false police reports; (6) the defendants violated his 5th amendment rights by secretly recording Lockerby's statements; (7) Defendants illegally searched and seized Lockerby's property; (8) Defendants committed slander, libel, and defamation of character.

All of these claims arise out of the same criminal case, name the same defendants and were raised or should have been raised by Lockerby in the Superior Court Action. Lockerby's claims arising out of the the Criminal Case are therefore barred by the doctrine of res judicata.

Lockerby has named prosecutor Dugal who represented the Defendants in the Superior Court Action. Lockerby alleges that Dugal committed fraud when he submitted false affidavits and concealed facts in connection with the Motion for Summary judgment filed in the Superior Court Action.

Lockerby is collaterally attacking the judgment in the Superior Court action by alleging intrinsic fraud. "Intrinsic fraud relates to issues involved in the original action which were litigated or could have been litigated in the original action." Slangal v. Getzin, 148 F.R.D. 691, 694 (D. Neb.1993). Intrinsic fraud does not provide a legal basis in Arizona for a collateral attach of a judgment. See Gilbert, 155 Ariz. at 175. Lockerby's claims of intrinsic fraud with regard to the Superior Court Action are also barred by res judicata.

C) Immunity

Lockerby's claims against county prosecutor Dugal arising out the Superior Court Action are barred by absolute immunity. Briscoe v. La Hue, 460 U.S. 325 (1982); Imbler v. Pachtmen, 424 U.S. 409 (1976).

D) Statute of Limitations

Defendants contend that Lockerby's claims arising out of the Criminal Case are barred by the statute of limitations. In a 42 U.S.C. § 1983 case, the applicable statute of limitations is the same as that in personal injury cases. Wilson v. Garcia, 471 U.S. 261 (1985). The applicable statute of limitations for bringing a personal injury suit in Arizona is two years. A.R.S.

§ 12-542(1).

Lockerby was arrested in August of 1990. The Criminal Case against Lockerby was dismissed in its entirety in March of 1992. Lockerby has waited over four years to file his action with this Court. Lockerby's claims arising out of the Criminal Case are barred, not only by res judicata, but also by the statute of limitations.

IV CONCLUSION:

Accordingly,

IT IS ORDERED that the Defendants' Motion for Summary Judgment is GRANTED.

IT IS FURTHER ORDERED that the hearing set for October 15, 1996, at 11:30 A.M. is VACATED.

IT IS FURTHER ORDERED that Plaintiff shall take nothing by way of this action.

IT IS FURTHER ORDERED that Judgment shall be entered accordingly.

October 15, 1996

/s/ ALFREDO C. MARQUEZ
ALFREDO C. MARQUEZ
SENIOR UNITED
STATES DISTRICT
JUDGE

EXHIBIT D: App. 13

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA

CASE NO.:CV 96-178-TUC ACM
GLENN LOCKERBY,

Plaintiff,

vs.

THOMAS DUGAL, Attorney; KATHI MAYER, Deputy County Attorney; SANDRA HANSEN, Deputy County; CYNTHIA COLEMAN, Officer and Agent of the Pima County Sheriff's Department; PAM TREADWELL-RUBIN, Deputy County Attorney; PIMA COUNTY through PIMA COUNTY BOARD OF SUPERVISORS (Clerk: JANE WILLIAMS), SHERIFF DUPNIK, and PIMA COUNTY SHERIFF'S DEPARTMENT; PIMA COUNTY ATTORNEY STEPHEN NEELY,

Defendants.

FIRST AMENDED COMPLAINT

Violation: 18 USC § 1341 (Mail Fraud) and § 1983 Violation: 42 USC § 1985 Violation: 42 USC § 1986 (Obstruction of Justice in a Title 42, USC §1983 Action and Fraud in a Title 42, USC § 1983 Action) (Accomplice to Fraud in a Title 42, USC § 1983 Action) Malpractice Violation: of 5th, 6th, 14th Amendments US Constitution Harboring a Fugitive (Tort - Non-Motor Vehicle)

DEMAND FOR JURY TRIAL

PLAINTIFF, Glenn Lockerby, In Propria Persona, for his claim against Defendants complains and alleges the following:

COUNT ONE

1. That the Plaintiff is a resident of Pima County, Arizona.

2. That the Defendants are residents of Pima County, Arizona.

3. That all the events described herein occurred in Pima County of the State of Arizona.

4. That the United States Postal Service is an agency in and of the Executive Branch of the United States Government.

5. Relief sought is in excess of $50,000 or the jurisdiction of this Court.

6. That the defendant Thomas Dugal was the attorney representing the Pima County, et. al./defendants, in a Civil Rights Claim brought under Title 42, United States Code, section 1983, against Pima County, the Pima County Sheriff's Department, the Pima County Attorney's Office and members of those entities who are also named as the defendants in this suit.

7. The defendants fraudulently obstructed plaintiff's Claim brought under Title 42, USC § 1983 against the Pima County defendants, which are the same defendants named herein.

8. The defendants with their attorney/defendant Thomas Dugal willingly and deliberately schemed to commit a fraud in a Civil Rights Case brought by plaintiff under Title 42, USC § 1983 in order to obtain a decision for the Pima County Officials and agencies named herein as defendants.

9. Thus, the defendants conspired to commit and then committed a fraud while depriving plaintiff of his rights to recover damages he suffered as the result of the defendants violations of his Constitutional rights, plus his costs, loss of property, loss of income, loss of consortium, emotional distress, damages to his reputation, loss of his life spent trying to get back

his reputation and damages suffered.

10. The rights of plaintiff that were also violated by the defendants included those regarding slandar, libel, defamation of character , false arrest, and illegal search and seizure and destruction of plaintiff's property.

11. In furtherance of the scheme to defraud plaintiff, and for the purpose of executing such scheme and artifice to defraud, the defendants knowingly caused numerous matter to be delivered by First Class Priority Mail by and through the United States Postal Service, according to direction thereon to plaintiff, to plaintiff by and through plaintiff's attorney, and to plaintiff's attorney on the Civil Rights Claim, filed under Title 42, USC § 1983.

12. In furtherance of the scheme to defraud plaintiff, and for the purpose of executing such scheme and artifice to defraud, the defendant Thomas Dugal acting for his clients/defendants knowingly made false statements to the Superior Court including untrue slanderous and defamatory remarks against plaintiff, causing continual pain and suffering first brought about by his clients/defendants and for the purpose of deceiving the Court in order to obtain a decision from that Court in favor of his clients/defendants which they subsequently received.

13. In furtherance of the defendants' scheme to defraud plaintiff, and for the purpose of executing such scheme and artifice to defraud, the defendants did knowingly cause matter to be filed with the Clerk of the Pima County Superior Court and the Clerk of the Arizona Court of Appeals which contained many false statements including untrue libelous and defamatory statements against plaintiff in order that

the defendants receive a decision in their favor, which they received based on their fraud.

14. The defendants misrepresented the true facts on the case by their false filings which claimed false facts and by excluding the true facts.

15. The defendants filed and misused affidavits that did not support the true facts of the case with the Clerk of the Pima County Superior Court.

16. The defendants utilized fraudulent conduct in acquiring rulings from the Superior Court for their motions for summary judgment and then the defendants utilized fraudulent conduct in the Arizona Court of Appeal to have those decisions affirmed.

17. Presentations and misrepresentations by the defendants to the Superior Court and to the Court of Appeals were made with utter disregard of their truth or falsity, and with willful intent to deceive the Courts in order to benefit themselves, resulting in further damages to plaintiff.

18. The defendants committed fraud and concealed the fraud in crimes against plaintiff in the criminal case and the defendants concealed a fraud with their failure to disclose material fact which is an indirect representation that such fact does not exist. Concealment of fraud constitutes a fraud.

19. The defendants assisted each other in conduct that they knew was criminal and fraudulent. The defendants participated in the creation or preservation of evidence when they knew and it was obvious that that evidence was false.

20. Defendants Pam Treadwell-Rubin, Thomas Dugal, Sandra Hansen and Kathi Mayer are all lawyers and are part of the court system, charged with upholding the law. One of their functions in such a position is to

advise clients so that they avoid any violation of the law in the proper exercise of their rights, yet all but Mr. Dugal participated in a fraud against plaintiff in a criminal action against him and all defendants participated in a fraud against plaintiff in the civil rights action against the clients/defendants brought under Title 42, § 1983, thus defrauding and depriving plaintiff of relief he sought and they violated the law in the proper exercise of his rights.

21. Those four attorneys had a duty not to use false evidence and were required to reveal information necessary to rectify a fraud upon a tribunal either in the past, present, or future frauds if they or their clients went on to commit them. All four attorney failed in their duty to the tribunals and to plaintiff.

22. The attorneys and other defendants lacked candor towards a tribunal both in the criminal case and perpetuated the fraud in the civil case against them. They made false statements of material fact or law to a tribunal or allowed each other to do so. They failed to disclose material facts to a tribunal when disclosure was necessary to avoid assisting a criminal or fraudulent act by any of the defendants.

23. The defendants ignored their obligation, not only in professional ethics but under the law as well, to avoid implication and complicity in the commission of perjury or other falsification of evidence.

24. Defendant Thomas Dugal received information clearly establishing that his clients/defendants had and were perpetrating a fraud upon a tribunal and like his clients/defendants he also did not rectify the situation, nor did he reveal the fraud to the tribunal. Use of perjured testimony, as in the case of defendants' falsified af-

fidavits and defendant Cynthia Coleman's perjury in the Grand Jury hearing, and use of false evidence is usually regarded as "fraud" upon the Court.

25. Furthermore, the defendants participated in the submission of obvious falsified evidence against plaintiff in the criminal case against him and then the defendants resubmitted it in the resulting civil rights case against them, as if that false evidence were true. The defendants acted unfairly to opposing counsel and plaintiff by their falsifying evidence, false testimony in their affidavits, false statements in Court by their attorney Mr. Dugal and by all of the defendants participation in the creation or preservation of evidence when all knew and it was obvious that that evidence was false.

26. The defendants engaged in professional misconduct when they engaged in conduct involving dishonesty, fraud, deceit and misrepresentation, and engaging in conduct that was prejudicial to the administration of justice.

27. The defendants for their actions were in violations of Title 42 United States Code, Sections 1983, 1985, and 1986 and Title 18 United States Code, Section 1341.

28. That the Defendants, Pima Board of Supervisors, is the governing Board of Pima County, Arizona and is located therein and the Clerk of the Board is Jane Williams, resident of Pima County.

29. Defendant, Pima County Sheriff's Department, is an agency of Pima County Arizona.

30. That the Defendant, Sheriff Dupnik, is a resident of Pima County, Arizona and was such at all times relevant to this claim and when this claim arose.

31. That Pam Treadwell-Rubin, Thomas Dugal, Sandra Hansen, Kathi Mayer are Deputy

County Attorneys employed by the Pima County Attorney's Office, and were such at the time this claim arose.

32. That the Pima County Attorney's Office is an agency of Pima County, Arizona.

33. Sheriff Dupnik and the Pima County Sheriff's Department failed to train or instruct defendant Cynthia Coleman properly in her position at that time of investigating child abuse cases and allowed her at all times relevant to this case to file false police reports and affidavits.

34. The Pima County Sheriff's Department under the supervision of Sheriff Dupnik and control of the Pima County Board of Supervisors has further violated plaintiff's 14th Amendment Rights to the United States Constitution by not protecting his rights by not charging and refusing to charge Cynthia Coleman, a female, with crimes she committed and subsequently committed against plaintiff, a male, resulting in further crimes and damages against plaintiff by defendant Cynthia Coleman. The plaintiff has made a complaint to Internal Affairs of the Pima County Sheriff's Department against defendant Cynthia Coleman.

35. Defendant County Attorney Stephen Neely is the supervising attorney in charge of the the Pima County Attorney's Office, and is a resident of Pima County.

36. Defendant Stephen Neely has further violated plaintiff's 14th Amendment Rights to the United States Constitution for his refusal to investigate and arrest defendant Cynthia Coleman for crimes against plaintiff resulting in further crimes and damages against the plaintiff by Cynthia Coleman as claimed herein, in further violation of plaintiff's rights of equal protection. The plaintiff has made a personal complaint to Stephen Neeley for the investigation and prosecution of Cynthia Coleman for the

crimes she committed against plaintiff.

37. That Pima County Attorney Neely, defendant, as a defendant of the Civil Rights Claim of plaintiff's took no action to stop the fraud against plaintiff and the Pima County Superior Court or the Arizona Court of Appeals by all the defendants. Thereby defendant Stephen Neely was an accomplice to all defendants actions. Defendant Neely did not instruct or stop the defendants under his supervision from their fraudulent actions, which included Deputy County Attorney Thomas Dugal who represented defendant Neely in the civil rights suit, further violating plaintiff's 14th Amendment to the U. S. Constitution rights of equal protection.

37. The defendants had a depraved indifference to plaintiff's life or rights in their constitutional deprivations pursuant to their governmental custom and their misuse of their governmental powers and positions. Those defendants either directly committed the violations of plaintiff's federal civil rights statutes, or directed it to be done, or acquiesced in its commission with knowledge and/or deliberate indifference resulting in constitutional injury suffered by plaintiff. Furthermore, defendants Hansen, Dupnik, and Neely failed in their duties to properly train their subordinates/defendants and that failure to train resulted in the deprivations of plaintiff's civil rights. Defendants Hansen and Dugal set in motion a series of acts by the other defendants and knowingly refused to terminate those acts, which resulted in the deprivation of plaintiff's constitutional rights.

38. All defendants knew or should have known that their acts were ones which would deprive the plaintiff of his constitutional rights or might lead to that re-

sult.

39. That the Pima County through the Pima County Board of Supervisors is responsible and liable for any and all County officials who have or had final policy-making authority, binding the County to his or her actions resulting in the violations of the rights of the plaintiff.

COUNT TWO

1. On or about August 28, 1990, Plaintiff was falsely arrested and falsely accused of crimes he did not commit. All evidence before and throughout his prosecution showed that he was innocent. He also took and passed 43 polygraphs supporting his innocence.

2. The arresting officer of the Pima County Sheriff's Department falsified all her police reports and affidavits; admitted in deposition that she threatened a child into taking the role of a "victim"; and admitted in deposition that she threatened that "non-victim" and her mother into cooperation against plaintiff. That resulted in the daughter and mother making false statements against him.

3. That officer grossly perjured herself in front of the Grand Jury to obtain an indictment against the plaintiff.

4. Pima County prosecutors for the State of Arizona maliciously prosecuted plaintiff regardless of the evidence for approximately one and one-half years. That evidence included the "non-victim's" confession prior to plaintiff's arrest that she was not a victim, but rather the perpetrator of a sexual assault against plaintiff. The County Attorneys and the arresting officer knew prior to plaintiff's arrest from a secretly recorded statement of plaintiff's, in violation of plaintiff's 5th Amendment rights, that he had been sexualy assaulted numerous times by the "non-

victim" and that he repeatedly complained to the "non-victim's" mother of those assaults, which that mother later confirmed in her deposition. Both mother and daughter confessed to their counselor prior to plaintiff's arrest that the daughter was the perpetrator of the offence and that the plaintiff had done nothing sexual or illegal to the daughter.

5. The defendants refused to investigate those facts, violating plaintiff's 14th Amendment rights of equal protection.

6. Those County defendants were aware that their case against plaintiff originated by his telling several people that the "non-victim's" mother was attempting to blackmail him for his house, and in order not to be evicted from his house, she threatened to falsely accuse him of molesting her daughter, if he called the Sheriff to get her out of his house. In deposition that mother admitted that she threatened plaintiff because she wanted him to back off of the eviction. She admitted in deposition that she wanted plaintiff to give her his house for nothing and that she didn't see anything wrong with that. Regardless of her threats, plaintiff evicted her and her family. She never made any complaint to the police.

7. At that time plaintiff was unaware that the mother had outstanding felony warrants in New Mexico for theft and conspiracy to defraud and/or to commit a fraud and that she was a fugitive from prosecution in New Mexico.

8. The County defendants refused to arrest said mother on the felony warrants in New Mexico that they knew existed throughout their entire prosecution of plaintiff, further violating the plaintiff's 14th Amendment Rights of the U.S. Constitution of equal protection. Those officials knew that

plaintiff did not have a criminal record.

9. Plaintiff refused to plea bargain to "disorderly conduct", although he was facing approximately 137 mandatory years in prison for something all knew he had not done. Because there was zero evidence against him and all evidence supported or proved his innocence and because of his refusal to plea bargain, all charges were dismissed with prejudice on or about December, 1991 and March, 1992.

10. Those defendants attempted to include other people unsuccessfully as "victims", although they did have a coerced 2nd child (coerced by a non-defendant) who claimed indecent exposure and she was impeached by her own statement and that of her mother's. That "non-victim" exposed herself in front of plaintiff, exposed herself as her mother said she had a habit of doing, and said child tried to expose plaintiff. The defendants et al. had this information from the secretly recorded statement of plaintiff's prior to his arrest. The defendants knew that the actions of those children were years apart prior to plaintiff's arrest. But, in furtherance of their violations of plaintiff's 14th Amendment Rights, they refused to investigate those facts, instead relying on the arresting officer's false reports and her threats on two witnesses.

11. In the State's zeal to falsely prosecute and arrest plaintiff, his 24 journals were taken from his house by the Pima County Sheriff's Department and destroyed to the point that he lost permanent use of them.

12. As the result of the Pima County Officials' numerous violations of plaintiff's rights, he filed a civil rights lawsuit "pro per" brought under 42 U.S.C., § 1983 for his loses and damages against Pima Coun-

ty, et. al. starting on or about August 20th, 1992. Later he hired an attorney.

13. The rights of plaintiff's that were violated by the defendants also included those regarding slandar, libel, defamation of character, false arrest, illegal search and seizure and destruction of plaintiff's property, and attempting to influence witnesses' statements and potential witnesses against the plaintiff, by threatening potential witnesses, harboring one potential witness who was a fugitive from felony warrants in New Mexico, and making false statements to potential witnesses.

COUNT THREE

1. Count One and Two are herein incorporated by reference.

2. As the evidence will show the defendants committed fraud and conspired in their actions directly or passively in the commission of a fraud on a Civil Rights claim brought under Title 42, United States Code, Section 1983 in violation of Title 42, United States Code, Sections 1983, 1985, and 1986, with their conspiracy to commit a fraud and their refusal or neglect to prevent the fraud and constitutional deprivations.

3. The lawyer/defendants committed malpractice in their actions presented herein.

4. The defendants filed false statements in their documents the Clerk of Pima County Superior Court and the Clerk of the Arizona Court of Appeals and then sent them through the US Postal Service to the plaintiff or his attorney.

5. Defendant Dugal submitted a document entitled "Defendants' Statement of Facts" on behalf of his clients/defendants. That document was construed with false and misleading information by which the defendants with their attorney/defendant committed a fraud on the Pima County Superior Court

which resulted in a fraud on the Arizona Court of Appeals and then committed a fraud on the Arizona Court of Appeals and at the same time used to defraud the plaintiff of his rights to recover damages.

6. Thereby with his clients/defendants, defendant Dugal made that and other fraudulent presentations containing similar misrepresentation to the Pima County Superior Court and then to the Arizona Court of Appeals on which both Courts relied for their decisions in the defendants' behalf.

7. The defendant Thomas Dugal presented for his clients/defendants "Defendants' Statement of Facts" which was basically copied with slight changes from a proven false affidavit of defendant Detective Cynthia Coleman, as if those were the facts and the entire facts. That affidavit was also presented to the Superior Court.

8. Most of the "Defendants' Statement of Facts" could not be supported by evidence to be true and complete facts and could easly be disproven by the evidence.

9. However, the real true documented facts were mutually known to all parties and were presented by the plaintiff with 62 exhibits in support of those real facts.

10. The defendants excluded most of the true facts on that Civil Rights case. The amount of false presentation in just their "Defendants' Statement of Facts" was massive.

11. Defendants relied upon the statements of defendant Deputy Coleman in her affidavit, of June 8, 1993 as if it was a summation of actual facts of case CR-31900 and presented them to the Pima County Superior Court in their statement of facts together with that false affidavit of defendant Cynthia Coleman. The defendants basically copied known statements of that falsified affidavit. Most of defendant Cynthia

Coleman's affidavit was known to herself and to the other defendants to be a proven lie made up either by defendant Coleman or of her repeating someone else's known lie. Yet, the defendants presented those statements as real facts upon which they expected the Superior court to rely for a decision for the defendants granting their summary judgment motions in the civil rights complaint against the defendants. None of the defendants made any effort to correct their fraud either to that court or to the Arizona Court of Appeals or to the Supreme Court of Arizona or to the United States Supreme Court. The defendants expected any and all tribunals to rely upon their false presentations to obtain through fraudulant means a decision for the defendants by those tribunals.

12. The statements of defendants' just from their "Statement of Facts" presented here by plaintiff are mutually known by all parties to be untrue statements that do not reflect the true record of case CR-31900 and the defendants state on page 1 of their motion for summary judgment that they were presented to the Superior court "in support of their motion for summary judgment."

13. The defendants relied upon false evidence, false statements and false affidavits, thus fraudulently presenting them to the Superior and Appeals courts and used them to support their summary judgment motions.

14. Plaintiff relies on the only records of the case and not on imagination and presented them in his "Statement of Facts" the actual proven facts, with 62 supporting exhibits to prove they are actual facts. The Superior Court stated that it does not know of any rule that requires it to read all the Exhibits and the statement of facts presented to it by the plaintiff and the

court refused to do so. The court said it was reading the motions and relying on them for it's decisions, therefore reading the defendants' false presentations and relying upon the false statements of defendant Thomas Dugal.

15. Those false statements included statements from defendant Thomas Dugal on the behalf of the defendants, claiming that the statement of facts of the plaintiff omitted real facts; claiming the existence of "victims", "minor victims" when it had been proven there were none; claiming that the plaintiff had not supported his claim with evidence against Deputy Coleman.

16. Some presentation of the fraud of the defendants are presented here. The defendants make a false statement in their statement of facts as shown herein and from what paragraph of that document it appears and then the "True Fact" indicates the real true fact(s) of the case CR-31900 that all parties are aware is a matter of record. Those "True Facts" were presented to the courts in plaintiff's "Statement of Facts" and the 62 supporting exhibits, without argument by the defendants of their validity. Defendant Coleman complained about two errors of plaintiff's in the "Plaintiff's Statement of Facts" and the corrections were immediately made by plaintiff to the court.

17. The following are the mutually known false statements of defendants' "Statement of Facts": (A-Z are false statements found in each paragraph noted.)

17.01 Paragraph 2:

A. "Laurie went outside to have a smoke." True Fact: Laurie said she went "outside in the Arizona Room" which is not "outside" as Coleman repeatedly claimed.

....

B. "Jessi remained inside with Glenn Lock-

erby."
True Fact: Jesse did not remain inside "with" plaintiff as the evidence showed.

....

C. "Laurie said that Jessi came outside.."
True Fact: While plaintiff was standing in the doorway of the Arizona Room, talking to Laurie, Jesse went into the Arizona Room, not "outside."

....

17.02 Paragraph 3:

A. "He acknowledged that Jesse had seen his penis, but claimed it was her fault."
True Fact: Plaintiff never claimed Jesse was at "fault". She was almost 6 years old and he didn't "think it was any big deal" what she had done in acting out sexually curious to the point of "fault(ing)" her, but he had claimed her responsibility for those actions that she did.

.....

B. "According to Lockerby, he was laying in the bed in a long nightgown when Jesse approached him and lifted up the covers."
True Fact: Plaintiff said that he was laying in the bed with Laurie, himself being under covers, facts omitted by defendants. He said he was wearing a long "shirt". When defendant Coleman asked Jesse Blaskowsky questions about the covers "incident", Jesse also claimed Laurie was on the bed with plaintiff, therefore, Jesse wasn't "alone" with him at that time, either.

....

C. "He said when he got up, she lifted up his nightgown in the front to view him."
True Fact: Plaintiff never said Jesse lifted the front of his shirt or "nightgown".

....

17.03 Paragraph 5:

A. "Jesse related another incident that occurred on June 5, 1990, when Glenn, Laura and Jesse were together in the living room

of Laura's house. A man came to the door... Laura left Glenn Lockerby and Jesse alone.. Jesse stated that in the five to ten mintes that they were alone...Glenn...opened his pants and showed his genitals."

True Fact: When Coleman questioned Jesse about said "incident", Jesse talked about some guys or kids wanting a ride and her mother asking them if they were on drugs. Jesse said that Laurie had left Jesse alone until a friend of theirs, not plaintiff, came to the apartment. Jesse didn't know of that fictious "incident" made up by Laurie and quoted as fact by defendants. When Laurie questioned plaintiff in her secretly recorded "crank call" for the state, he also didn't know anything about what she was telling in regards to said "incident" or people at the door. The defendants mistakenly changed the date claimed from June 3 to June 5. They also combined two false statements of Coleman's and Laurie's, "the five to ten minutes" and "Jesse stated that", making it a different fabrication to the court on an already fabricated story. The defendants further omitted that much of what Laurie said in her statement to defendant Coleman and in her recorded "crank call" or as the state called it, the "confrontational call" was proven to be a lie or admitted by Laurie to be a lie and that she had been in mental instutions, a cocaine user, an alcoholic, and arrested for driving while under the influence and carrying drug parahonalia during the time the plaintiff was being prosecuted.

....

17.04 Paragraph 6:

A. "Laura said that she confronted Glenn Lockerby about these additional incidents. He acknowledged they occurred, but claimed it was the child's fault."

True Fact: The evidence showed he didn't

fault Jesse (as already shown above) and never acknowledged they occurred as Jesse or Laurie claimed. And he did not know, as previously shown, what Laurie was alking about regarding her apartment "incident". Therefore, he could not and did not acknowledge the "incidents" occurred as Laurie, Jesse, or Coleman made them up. Laurie and Jesse couldn't keep their lies together, nor could Coleman. Further proof that he didn't "acknowledge they occurred" was in Laurie Blaskowsky's statement to Attorney Stanton Bloom, stating that plaintiff had never told her that he displayed himself to her daughter Jesse and Laurie also said that plaintiff told her the stories of what Lisa Freeman had done to him from the standpoint of a "victim." Stanton asked her if the plaintiff had told her that he molested Lisa which Laurie had definitely falsely claimed to Coleman. Laurie Blaskowsky said, "Oh I didn't say, he'd come right out and said that, no." Yet, she had told Coleman that he said he touched Lisa on the vagina and breasts and he certainly had not and didn't say that in the 2-hour "crank call" of Laurie's prior to his arrest. Laurie stated to Attorney Bloom that plaintiff had not changed his story about the facts from what he originally told her to what she recorded him saying. Furthermore, the defendants acknowledged in their "Motion to Preclude.." plaintiff's recorded statement because of something that they knew all from the beginning, that plaintiff had not stated any wrongdoing on his part. They called his recorded statement made without duress or fear of imprisonment and recorded without his knowledge, "self-serving hearsay".

True Fact: Laurie heard the word "confronted" so often from Coleman that she started using it herself, when no confrontation had

occurred in Laurie's and plaintiff's conversations regarding Jesse's actions.

....

17.05 Paragraph 7:

A. "With respect to the Wal-Mart incident, Laura said that Glenn...admitted it had happened but claimed that Jesse had reached from the back seat and pulled up his pants leg or something like that and saw his genital area."

True Fact: Laurie admitted to Stanton Bloom that she had often lied to plaintiff in the "crank call" and to Coleman and it was also proven in that call and in her statements to Mr. Bloom that she had lied massively to defendant Coleman, including that Jesse had not seen nudity around her home and wouldn't have done what she did. The defendants repeated the known lies but omitted that plaintiff was wanting to prove what Jesse had done prior to his arrest, something they knew from the "crank call" and later from Laurie's statements to Mr. Bloom. Laurie told Attorney Bloom that plaintiff had not changed his story in her "crank call" to her, other than adding more information, which immediately deemed most of what she said to Coleman to be a lie, since she made up certain claims of "admission" that never showed up in that call, which would mean since the plaintiff didn't change the story, she did. But, the defendants wanted to rely in their false submissions and statements to the courts on the lies and wanted the courts to rely on them instead of the real facts of that case "in support of their summary judgment(s)" which is a quote from the first page of their summary judgment motion, filed June 10th, 1993.

True Fact: For some reason Laurie has Jesse in the back seat of her car when she is talking to Coleman about "Wal-Mart", but allows the possibility that Jesse was in

the front seat when Jesse pulled back the the leg of plaintiff's shorts, while telling plaintiff's defense attorney Stanton Bloom that she didn't want to be held to what she told Coleman. Her claim to Coleman was a physical impossibility. Laurie also claims to Coleman that Jesse says she never got up in the front seat, but Jesse told Coleman that she did to get a drink, while she said plaintiff had "his private parts out", Jesse apparently fearing nothing. Plaintiff stated in Laurie's "crank call" that Jesse pulled back his pant leg, not "pulled up". It was disclosed by Laurie that plaintiff was wearing denim shorts.

....

B. "With respect to the June 3 incident, Laura said that Glenn claimed that Jesse did it by pulling up his pants to expose his genital area."

True Fact: It is known by the way Laurie questioned plaintiff about that in the "crank call" that they had never discussed that "incident" before, therefore Laurie had not only made the "incident" up, she had also made up the entire conversation she claims to have had with plaintiff on that fictitious "incident" that she supposedly heard about from her daughter and plaintiff. As shown, he nor Jesse had any knowledge of that so-called "incident." Yet, the defendants entered it as a fact.

....

17.06 Paragraph 8:

A. "Laura said she believed her daughter, and had no reason to doubt what she said."

True Fact: The evidence has shown that Laurie had witnessed her daughter acting out in a similar manner as plaintiff had witnessed and Jamie Burns had complained to her before plaintiff was arrested that Jesse had grabbed his penis. James Burns was an eye witness of actions of Jesse Blaskow-

sky that were more outrageous than anything that plaintiff was accused of or witnessed.
....
17.07 Paragraph 10:
A. "Jesse said that her mom was out of the room when showed her his private parts."
True Fact: The defendants have polygraphs of plaintiff's, showing he had never initiated any exposure to Jesse and that Jesse had exposed herself and made actions attempting to see plaintiff's anatomy and that Laurie was present when Jesse was attempting to view plaintiff's penis on the last occasion. That was a fact also disclosed in the "crank call" and in Jesse's own statement to defendant deputy Coleman.
...
B. "When he did this, she went and told her mother about this incident and the ones before."
True Fact: Jesse's mother claimed she was aware of Jesse acting out sexually prior to knowing plaintiff. Laurie also stated that plaintiff was talking to her while she was smoking in the Arizona room, thus he wasn't alone with Jesse. And Jesse in her statement to defendant Coleman mentioned how Laurie was on the bed next to Plaintiff watching tv as plaintiff said in Laurie's "crank call", therefore Laurie was in the room when Jesse was claiming that plaintiff was lifting the covers, rather than, as the facts showed Jesse herself had lifted the covers. So, Jesse didn't need to "went and told her mother" since her mother was present during that particular episode and others as described in the polygraphs and in the recorded statement of plaintiff. But, she did go and "tell" her mother when plaintiff was in the presence of her mother smoking in the Arizona Room, right after Jesse lifted the back of plaintiff's shirt, twice, which the defendants knew prior to

plaintiff's arrest and ignored.

....

17.08 Paragraphs 12:

A. "Laura.. told...Coleman...he had spoken of some additional incidents involving other women and their children, and specifically named a girlfriend Linda and her daughter Lisa."

True Fact: This paragraph follows other paragraphs, including 11 claiming plaintiff did something inappropriate sexually with Jesse Blaskowsky. And to follow those known lies with paragraph 12, fraudulantly leads one to believe somehow plaintiff has admitted to sexually inproprieties with other children and their mothers when the state knows no such admission or information exists. The defendants also include Linda and Lisa as somebody he suppcsedly somehow act-out in like manner to Jesse as Laurie. The defendants knew that their claim was a fraud by mentioning "other incidents" when the fact of the matter is Lisa and Linda admitted nothing was done to Lisa by plaintiff, and that Lisa had sexually assaulted plaintiff. The defendants clearly leave out the fact that Lisa and Linda confessed prior to plaintiff's arrest that he had done nothing inapropriate to Lisa, matching what he said in Laurie's "crank call". Obviously, the defendants have presented a greatly misleading statement to the court and as Coleman presented a similar statement to the grand jury, she continued to falsify the facts in her affidavit supporting the defendants' "Statement of Facts" and then the defendants continued the fraud and conspiracy against the plaintiff and the courts by incorporating these known lies into their "Statement of Facts" as "facts."

...

B. "According to Laura...Glenn...said Lisa would grab his genital area, and on one oc-

casion, she bit his breasts to which Glenn ...responded by doing the same to her, touching her vagina and placing his mouth on her breats."

True Fact: According to the recorded facts of the case, plaintiff never claimed any "breast" biting. As the recorded facts show Lisa Freeman admitted she was never sexually touched and plaintiff has never claimed to have touched Lisa in a sexual way. He had not contacted any sexual part of Lisa in retaliation and Lisa never mentioned any exchange of sexual actions in her three statements to defendant Coleman. So Laurie had made up a story which was not confirmed by either plaintiff or Lisa, but the defendants claimed that to be a "fact." When interviewed by Stanton Bloom, Laurie said that plaintiff had said basically the same things in her "crank phone call" as he previously had to her which obviously didn't include any "breast" biting "incident". Therefore, Laurie was admitting her story to Coleman was basically a fabrication of her's and did not reflect much of what plaintiff had told her in her "crank call" or prior to that. She also told Stanton that plaintiff complained to her from the standpoint of a "victim" regarding all sexual advances of Lisa Freeman.

....

17.09 Paragraph 13:

A. "Through investigation...Coleman found Linda Meeks..."

True Fact: Coleman claimed more than once that it was through her "investigative" efforts, although Laurie simply gave her Linda's address. The defendants were so blindly copying the false affidavit of defendant Coleman that they didn't even stop to eliminate even that simple proven false statement of Coleman's.

....

17.10 Paragraph 14:

A. "Lisa...remembered Glenn...and didn't like him because he molested her and was mean to her brother Shawn."

True Fact: Witnesses, including her mother, testified how Lisa was agressively hitting plaintiff, wanting him to wrestle and tickle her and laughing in the process. Shawn Meeks, her brother, testified he also liked plaintiff and the only thing he didn't like about plaintiff is when plaintiff picked him up and put him in the car when he didn't want to go somewhere with the rest of the family. Stephen Palys testified of his knowledge of Lisa's aggression and how from his interviews with Lisa and Linda, found out plaintiff had never sexually contacted Lisa, but that Lisa had grabbed plaintiff sexually and that plaintiff was upset and told Linda as Linda confirmed to Stanton Bloom. Counselor Stephen Palys also said that Lisa basically liked plaintiff, but didn't like to be disciplined by him and that he was the only discipline she received in the family unit, since Linda didn't much care to discipline her children.

....

17.11 Paragraph 15:

A. "Lisa said her first recollection of molestation starting about one month after her mom and Glenn started dating."

True Fact: Lisa told Coleman that she didn't remember how it started or when it started. Coleman not liking that answer, led Lisa to have a memory of something, as shown, never happened even by Lisa's own admission to Stephen Palys and to her mother as Linda acknowledge to Stephen Palys. Furthermore, Lisa and Linda came up with "one" time that Lisa claimed to Beth Winters that she was supposedly forced to touch plaintiff's penis, after telling Coleman that it was approximately 200 times.

Lisa also told Beth Winters, a counselor from Las Familias, that she had little memory of the alleged molests which is a rather remarkable claim for someone that first tells Counselor Stephen Palys that it never happened and then tells the woman that threatened her and her mother, Detective Coleman that it supposedly happened hundreds of times, prior to Lisa talking to Beth Winters.

....

17.12 Paragraph 16:

A. "Lisa said that Glenn would come into her bedroom, say good night to Shawn, and end up with her in her bed...Glenn would make her touch his penis and he would touch her in her private areas...Lisa said that this would happen almost every night."

True Fact: As shown above, her story was "one" 'forced touching' when talking to Beth Winters after talking to Coleman. Of course, none of that happened as Lisa stated to Stephen Palys and to her own mother, as also evidenced by plaintiff's polygraphs and his secretly recorded statement and from an the eye-witness accounting of her brother, Shawn Meeks' stating that fact to Stanton Bloom.

....

17.13 Paragraphs 17, 18, 19, 20: The defendants continued to incorporate known lies of Lisa Freeman's into their "statement of facts" and submitted them to the tribunals as true facts, while omitting, the real facts of the case.

True Fact: Same as the above true facts showing no "incidents" occurred.

....

17.14 Paragraph 21:

A. "Lisa estimated the number of incidents at about five or six times a week over a period of about four years."

True Fact: Lisa stated that nothing hap-

pened at the Golf Links address that she lived at for about one year of the four years that she was around plaintiff. The reason she claimed nothing happened there was she supposedly stayed away from plaintiff (never thinking to do that in the first three years), although several witnesses, including her mother and brother witnessed interaction of her and plaintiff at said address. The second reason she said nothing happened at that address was that her brother had his own bedroom, therefore, plaintiff couldn't do the "goodnight" thing to Shawn before 'diving' into "her bed." Apparently, from her statement to Coleman, without a "witness" plaintiff couldn't "molest"! That indidcates a huge reduction for no apparent reason from "five or six times a week" for "four" years to not at all in her statements to Coleman; from zero incidents to Linda and to Stephen Palys to hundreds of times to Coleman; then to "one" time and no memory to Beth Winters after her three statements to defendant Coleman. Furthermore, her friend Sharon McGaugh, a friend of Lisa's, stated to Stanton Bloom having heard of "molestation" and "rape" stories from Lisa which Lisa claimed happened at the Golf Links address, a new twist in the stories of Lisa. But the defendants want on to rely on Lisa's coerced statements by ways of defendant Coleman's threats made upon Lisa and her mother.

True Fact: One of the many pieces of information that Coleman left out of her reports was her knowledge that Lisa and Shawn had a bunkbed setup which would have obviously impeached much of Lisa's story by itself. Coleman had to have known that that conflicted with what Lisa was telling her, but Coleman never asked about that and never mentioned it until Stanton asked her if she knew about that. Not only had Coleman been

tampering with witnesses, she was hiding evidence and altering known statements in her reports and affidavits.

....

17.15 Paragraph 22:

A. "Lisa said that her mom was usually preoccupied when the incidents would happen...Lisa also said that her mom had no idea of what was happening."

True Fact: As well as telling Stephen Palys that nothing happened, Lisa told her mother that nothing happened other than she had sexually assaulted plaintiff, which was confirmed by Linda Meeks to her counselor Stephen Palys and then reconfirmed to Stanton Bloom by Stephen Palys. Then there also was that eye-witness brother, Shawn Meeks that didn't see or hear anything happen in 3 years of always being in the same bedroom, according to Lisa and always awake when plaintiff was in the room, and never "preoccupied" to miss anything that was "happening." And as shown, Linda Meeks told Stanton Bloom that plaintifff immediately told her of Lisa's actions after coming out of Lisa's bedroom and other times. So, she already knew what Lisa was doing. Linda also told Stanton that she was very aware of when plaintiff was in their room and for how long.

....

17.16 Paragraph 23:

A. "Lisa didn't tell her mom because she was scared of Glenn and felt it was her fault."

True Fact: Same as above and: As she confessed, it was her fault, and she did tell her mother after Coleman came to their door that plaintiff did nothing to her as previously shown. The actual quote that defendant Coleman altered of Lisa Freeman's was, "Cause I was scared of her and I felt like it was my fault" after Coleman asked her,

"How come you never told your mom?"

....

17.17 Paragraph 24:

True Fact: The defendants stated as did Coleman that Sandra Hansen of the County Attorney's Office "reviewed" the case, of course that included the obvious recorded fraudulent statements and actions of Coleman's as "presented" to Hansen. Hansen caused several counts to be brought against plaintiff, relying on those fraudulent and criminal actions of defendant Coleman, together with the obvious false coerced statements of alleged witnesses or "victims" and without any evidence of any kind of wrongdoing on the part of plaintiff. Count 4 was "sexual abuse of Lisa Freeman" which was never mentioned to the Grand Jury or anywhere else, as to the nature of that "abuse" or the reason for that count.

....

17.18 Paragraph 25:

A. "On August 29, 1990, the felony complaint and search warrant were presented by Deputy Coleman to Judge William Sherill."

True Fact: There is no mention that Coleman fabricated evidence she supposedly had in her falsified and fraudulent statements of her search and arrest warrant affidavit. There is no mention in paragraph 25 that that day when they say that they "searched for evidence of the crimes charged", that no evidence was found, but still personal property was taken from plaintiff's home which included 24 of his journals which were destroyed to the point he could not use them again and then later returned to plaintiff in March of 1992.

.....

17.19 Paragraph 26:

A. "On September 6, 1990, the county attorney's office presented the case to the grand jury, which returned an indictment

against...him..."

True Fact: Nothing is said about Coleman's false claims to that jury which allowed them to get an indictment by means of fraud. The defendants did not include that grand jury statement of Coleman's as an exhibit. Likely obvious reasons of perjury committed by defendant Cynthia Coleman, the same defendant who's affidavit was included in their exhibits for their "Statement Of Facts", of which they paraphrased or quoted as the foundation of their "Statement of Facts" presented to the courts in support of their summary judgment motions in which they expected the courts to rely for a judgment in their favor.

....

17.20 Paragraph 29:

A. "The case...was dismissed...not because of the plaintiff's culpability, but rather various court rulings, as well as the reluctance on the part of the victims' parents to subject their minor children to a trial."

True Fact: None of that statement quoted from the defendants' "Statement of Facts" which they qoted from defendant Kathi Mayer's falsified affidavit which was submitted to the Superior Court, was ever found in her reasons asking the court to dismiss with prejudice all counts. Obviously, from the real facts in plaintiff's "Statement of Facts" commonly know to all parties to be the true facts with his supporting 62 exhibits, and from the evidence presented here this is yet another false statement presented in summation by the defendants. Then it is a false statement and presentation to claim that it was also due to "court rulings" that they didn't like, while not mentioning one of those rulings, while at the same time claiming they have "victims", which is defamation of the character of

plaintiff, while at the same time claiming and holding onto their ignorant belief that somehow, no matter who confessed that plaintiff wasn't guilty and no matter how many polygraphs he takes and no matter how many proven lies the "non-victims" made, that plaintiff is still guilty as charged. And as shown, Lisa Freeman and Linda Meeks were threatened into cooperation by Coleman and and Laurie Blaskowsky was threatened into cooperation by a nurse who she talked to and informed the state. All defendants and their counsel presenting the defendants' "statement of facts" without correction, committing fraud on the tribunals and against plaintiff in his civil rights case since little of their "statement of facts" or motions or statements in court contains true facts of that case. "Defendants" submitted that "Statement of Facts" in support of their "Motion(s) for Summary Judgment" and all defendants were granted their summary judgments, as the court relied on their fraudulent presentation while it refused to read the plaintiff's "Statement Of Facts" and the supporting 62 exhibits.

18. The plaintiff also alledges that the defendants have concealed factual material from all tribunals and plaintiff. It is a fraudulent concealment to exclude real material facts. It is a fraud to conceal a fraud. The defendants, as shown, concealed from the Superior court and plaintiff, the arrest of Laurie Blaskowsky; the lies of Detective Coleman in her police reports, to the grand jury, to Stanton Bloom, to Linda Meeks, to Karen Vigil, to Judge Sherill in her affidavit, to the Pima County Superior Court, to the Appeals Court of Arizona, to the Arizona Supreme Court and the U.S. Supreme court together with Coleman's affidavit in the statement of facts and her affidavit saying that she never lied or pre-

sented false statements or evidence to the grand jury or prosecution; the confession of Linda Meeks and Lisa Freeman; the admissions of herself lying by Laurie Blaskowsky; the admissions by Laurie and the James Burns' eye-witness accounting that both of them were witnesses of Jesse Blaskowsky's sexual activity and assertiveness; the coverup of the bunkbeds; and the massive lying of Lisa Freeman, etc.

19. Plaintiff alleges that the defendants have perpetrated a continual fraud on all tribunals to date by their coverup of the fraud perpetrated on the plaintiff by the defendants and by the "non-victims" and mothers of those children and harbored a fugitive, Linda Meeks who had outstanding felony warrants in New Mexico who was attempting to blackmail or extort plaintiff's property from him.

20. The defendants have relied and defended themselves on hearsay and false statements of Cynthia Coleman's, Kathleen Mayers', and "witnesses'" without presenting discovered facts and without a real defense against the plaintiff's claims against them to justify any of their actions.

21. The following will be regarding the defendant's exhibits that they presented to the Superior Court attached to their "Statement of Facts" that were obviously fraudulant and deceptive representations to that court because they did not reflect the true record of facts on the case CR-31900 brought against plaintiff:

(Wherever possible the plaintiff will attempt to not repeat his claims of fraud that have already been shown to be fraud in another section herein.)

21.1 Exhibit 1: "Affidavit of Cynthia Coleman"

Exhibit A: "Interview with Lisa Freeman"

Exhibit B: "Interview with Lisa Freeman"

True Fact: Defendant Cynthia Coleman has fraudulently claimed in her affidavit, Exhibit 1, that she did not present false information to the prosecutors or to the grand jury, yet she acknowledged that she did in her statement to Stanton Bloom. The plaintiff has shown throughout his statement of facts and the 62 supporting exhibits that is exactly what Detective Coleman has done as the following facts show:

True Fact: As previously shown the defendants have paraphrased most of her statements without correcting them to reflect the real recorded facts of that case. On pages 1-7 of her statement Coleman repeats a lot of what Lisa said, as well as changing a lot of what Lisa said. As proven, most of what Lisa had to say was coerced and found to be a lie, often times within Lisa Freeman's statement or subsequent statements that contradicted her statements. Yet the defendants recopied proven lies of Lisa's or of Coleman's without informing any court that it was hearsay proven to be lies. But, instead the defendants fraudulently pretended that all of what Coleman claimed or all of what Lisa Freeman claimed are factual, yet the defendants have failed to show proof to the criminal court or to any civil court that any of those claims are true. Plaintiff has presented supporting evidence that those statements were untrue and the defendants have not argued those facts or presented any evidence to to the contrary.

True Fact: Defendant Coleman noticeably caught Lisa Freeman lying to her in Lisa Freeman's third statement to her and a great deal of what Lisa said in her third statement contradicted a lot of what she she said in her previous two statements to defendant Coleman. The defendants have not presented that third statement of Lisa's

to any court of because of the most obvious knowledge they had that Lisa was lying.

21.2 Exhibit 1: "Affidavit of Cynthia Coleman"

Exhibit C: "Interview with Jesse Blaskowsky"

True Fact: The defendants paraphrased defendant Coleman's affidavit of her paraphrasing of the Exhibit C. as if that information was forever fact. What Jesse Blaskowsky claimed regarding plaintiff and her attempt to blame him for her sexual activity was shown to be a lie by three witnesses of her sexual activity and of her diverse statements. Those witnesses were her mother, Laurie Blaskowsky, the plaintiff, and James Burns. The evidence of that was presented in his suit against the defendants by the plaintiff in his "Statement of Facts" and the supporting exhibits commonly known to all parties and not refuted in any way by the defendants in argument or any supporting evidence or exhibit from them to any court. The defendants know that the evidence presented to the courts by the plaintiff is true and are the true facts of the case, but the defendants failed to present the true facts to any court, which is a fraudulant omission of the true facts.

21.3 Exhibit 2: "Affidavit of Sandra Hansen"

Exhibit 3: "Felony Criminal Complaint"

Exhibit 4: "Supervening Indictment"

True Fact: The defendants presented Exhibits 2, 3, and 4, which deal with the indictment of plaintiff. However, they do not include all of the evidence that defendant Sandra Hansen went with Detective Coleman; the violation of plaintiff's Miranda rights by recording him without reading him his rights; the false statements made by defendant Coleman in her police reports; arrest and search warrant affidavit; her defama-

tory remarks in those and to Karen Vigil in Colorado and in her deposition with attorney Rosenthal, representing plaintiff in that suit; her gross intentional misrepresentation of the truth to the grand jury, thus, her perjured sworn statement to the grand jury and in her affidavits to the Superior court and to Judge Sherill; and destruction of property of plaintiff's that she fraudulently seized. Those were true facts of the case and were presented to the courts by the plaintiff in his statement of facts and supporting exhibits. None of those exhibits or facts were challenged by the defendants, other than two minor statements of mistake made by plaintiff and immediately corrected by plaintiff when they became known to him to be mistakes. They had nothing to do with the relevant factual matters of the case. Proof that Coleman had lied in her police reports, fabricated alleged evidence, lied to the grand jury and in her affidavits to Judge Sherill and to the Superior Court, and harbored a fugitive, Linda Meeks Lavis, was presented to that court, then to the Arizona Court of Appeals, then to the United States Supreme Court together with those presented herein.

True Fact: Exhibit 2 is an admission of Sandra Hansen's that she did see what Coleman did as plaintiff claims and what Coleman had to present as "evidence" for a trial in a court of law and a professional like Sandra Hansen, having far more experience than defendant Cynthia Coleman allowed Coleman's actions while directing her in a police investigation and giving her instructions to secretly record plaintiff talking to Laurie Blaskowsky, circumventing plaintiff's Miranda rights.

Defendants have presented Exhibits 3 and 4, which were never questioned by plaintiff, but the defendants fail to submit that

which was complained about, such as the fraudulent grand jury statement of defendant Coleman's together with her fraudulent police reports and affidavits, etc. as discussed by the plaintiff here and in his "statement of facts" together with his supporting exhibits. Their two exhibits don't support anything in controversy.

21.4 Exhibit 5: "Motion to Interview Witnesses"

Exhibit 6: "Opposition to Motion to Interview Witnesses"

Exhibit 7: "Minute Entry Order Denying Motion to Interview Witnesses"

Exhibit 8: "Order of Court of Appeals Declining Special Action Jurisdiction"

Exhibit 9: "Response To Petition For Review"

Exhibit 10: "Order to Supreme Court Denying Review"

True Fact: The defendants have presented Exhibits 5-10 all on 1 fairly minor issue and that was plaintiff's attorney's desire to interview the "non-victims", since the defendants did not care to question those children on their obvious proven lies. The defendants have presented 15 exhibits to support their "statement of facts" and have devoted 6 of them to the issue of whether or not the children were going to be interviewed by Stanton Bloom, while presenting nothing in the defense of all the other claims alleged against them by plaintiff in that suit. The plaintiff has used approximately two pages in his "statement of facts" on that issue which wasn't particularly a major relevant issue of that case, while the defendants having no exhibits and presenting none in their favor on the real issues, piled on 6 exhibits to prove they were deemed correct in the alleged claim of plaintiff's that they helped prevent the discovery of the truth by the plaintiff's

criminal defense attorney.

21.5 Exhibit 11: "Motion and Order Dismissing Counts 1-4 of Indictment"
Exhibit 12: "Motion and Order Dismissing Remaining Counts of Indictment"
Exhibit 13: "Affidavit of Kathi Mayer"

True Fact: The plaintiff has alleged that Kathleen Mayer's affidavit has been fraudulently presented to the Superior court . It is not supported by any evidence or their own Exhibits 11 and 12. The true evidence has shown the 100% innocence of plaintiff, yet defendant Mayer would like to continue to intentionally inflict pain and suffering and mental cruelity by her defamatory misleading remarks against plaintiff without one piece of supporting evidence of anything she believes against plaintiff, including any factual evidence that even one "victim" exists.

True Fact: The plaintiff has addressed her affidavit in his statement of facts along with evidence supported in his exhibits, proving his innocence and that that statement of Kathi Mayer's is a fraud and a falsified affidavit under oath submitted to the Superior Court by the defendants in order to obtain a decision for the defendants' motions for summary judgment and to the detriment of plaintiff and his civil rights suit.

22. The defendants have reiterated their reliance on the proven lies contained in their statement of facts in their "Motion for Summary Judgment" filed June 10th, 1993, p. 2: "The Defendants rely on the Statement of Facts filed with this motion for summary judgment." Then they went on to repeat most of the false information that Detective Coleman presented in her affidavit as shown previously herein. Thus they had amply time to research plaintiff's claims and his "Statement of Facts" and the record, but

refused to present the true facts to any of the courts or correct any of the fraud they perpetrated on the courts.

23. The defendants denied plaintiff's claims (p. 5 of their Motion for Summary Judgment) without any showing of any different evidence of facts to the Pima County Superior Court.

24. The defendants went on to slander and defame plaintiff in their Motion for Summary Judgment by claiming several times that they still had "victims" without ever presenting any substantiated evidence of that claim.

25. The criminal case was initiated against plaintiff in August, 1990 and the defendants didn't present disclosure on the destruction of plaintiff's 24 journals until May 11, 1994 in "Sandra Hansen's Motion for Summary Judgment" over 2 years after receiving plaintiff's original complaint describing that damage in 1992. It wasn't until that motion that the defendants claimed the destruction was done by the F.B.I. with a supporting affidavit from defendant Coleman. The journals were returned by the F.B.I. to the Pima County Sheriff's Department early in 1991. That destruction information was concealed from Plaintiff until May 11, 1994.

26. The defendants never answered plaintiff's claim of the destruction to his journals in their "Answer."

27. The defendants continued to defame the character of plaintiff in their motions in the original civil complaint against them as in their "Reply to Plaintiff's Response to Defendant's Motion for Summary Judgment", continuing to call Jesse Blaskowsky or Lisa Freeman "victims".

28. The defendants also continue to make false claims of plaintiff's guilt by stating they had "evidence" that "included

statements from the minor victims, who described various sexual crimes committed by plaintiff" (p. 17 of their "Reply"), defaming plaintiff by making such a statement "fact" when there were no "minor victims" and no "various sexual crimes committed by plaintiff". In that "Reply" (p. 18) the defendants wrote, "The evidence also included information received from Laurie Blaskowsky about other possible victims as well as information that plaintiff kept journals in his house written in his secret code. This information was more than sufficient to establish probable cause to search the plaintiff's house." Also the defendants claim that their is "evidence", yet they never presented any such evidence that anyone was told that "other victims" exist and none was ever found to exist or "other possible victims", for that matter. The defendants fraudulently claim that because they make up a story to the courts, that they had sufficient evidence. Then they throw in a statement of journals in code, as if such journals are or should be evidence to falsely accuse someone of committing a crime without the defendants offering any evidence of any wrongdoing by plaintiff in any court.

29. The defendants failed to tell any court that they had no reason to believe that there existed any fruits or instrumentalities in plaintiff's home or journals that warranted a search and seizure of anything in his house as per defendant Coleman's admission to Attorney Stanton Bloom by deposition. Nor did they inform any court that they knew prior to plaintiff's arrest that he had kept the journals since he was 16 years old and they were in code because of privacy invasion by his mother. Nor did the defendants inform the courts that there was no evidence found in plain-

tiff's house or journals in support of their charges against him. Nor did the defendants inform the courts that any evidence found in the journals or his house supported his innocence. Nor did the defendants inform any court that there was never any evidence found to support the charges they brought against plaintiff.

30. Contraverting claims within a statement, such as Lisa Freeman's 3 statements does not allow a reasonable officer to conclude any crime has been committed by anyone other than the person making conflicting claims that are direct opposite statements to each other. The defendants continued to fail to present the facts of the case and continued to conceal them from the courts, often times in that "Reply", claiming that none exists and never presenting the third statement of Freeman's.

31. Pamela Treadwell-Rubin went on to claim existence of "victims" in her affidavit, thus making her affidavit fraudulent, as well as defamatory to plaintiff. That was an exhibit with that "Reply".

32. In that same "Reply" the defendants claim that Coleman never made any defamatory remarks against plaintiff, but she is a defendant claiming "victims" in that "Reply" which continues to be defamation of plaintiff. She has admitted to making such defamatory remarks to Attorney Stanton Bloom and to Attorney Larry Rosenthal, in her deposition taken by them.

33. The defendants attempted to cover up what Coleman already admitted as well as them denying the evidence exists, although that evidence was greatly presented to the courts by plaintiff, including the recorded conversation of Karen Vigil and Detective Coleman. All parties had the same record of the case.

34. Defendant Coleman also made yet ano-

ther fraudulent affidavit on December 3, 1993 regarding the claims made against her by plaintiff. That included her claim she made the search and arrest in good faith, but not addressing her lies in her search and arrest warrant affidavit regarding plaintiff and his house or her falsified police records, or slanderous defamatory statements. As late as that December 3, 1993 affidavit of Coleman's, she continued to make slanderous remarks about plaintiff by her claiming "victims" existed which was yet another fraudulent statement presented to the courts by a defendant. She went on to fraudulently claim the statements to the grand jury she made were "true and accurate", yet showed no proof of their existence, other than from her imagination. Most of what she said to the grand jury, as she later told Stanton Bloom and to the Superior court in the December 3rd affidavit, was her interpretation, yet it still is not fact and the defendants present it as facts in the case, which is a fraud on the courts and on the plaintiff.

35. One of defendant Coleman's defenses is actually an admission from her Dec. 3rd, 1993 affidavit: "Plaintiff claims that I gave false testimony when I stated that plaintiff admitted having contact with Jesse Blaskowsky in a sexual manner...the contact that I was referring to was not physical contact...." She didn't explain that to the grand jury when she first claimed that and that is a fraudulent statement as well as perjury and an admission of such. She then falsely claimed that Laurie Blaskowsky said to her that plaintiff claimed it was Jesse's "fault" for "opening his pants", yet Laurie didn't say that regarding that "incident" or any other "incident" of which he was falsely accused. Coleman then went on to say that her testimony was

not fabricated, yet she not only admitted to the fabrication to Stanton Bloom, but did it again in her affidavit, still not following what Laurie told her.

36. On page 3, paragraph 9 of that affidavit she claimed that she set forth "true and accurate" information in her search warrant affidavit, yet from her own words to Stanton Bloom, she admittedly did not and was further proven in the evidence presented to the courts by plaintiff from the record of the case.

37. In her December 3, 1993 affidavit, Coleman makes a statement of claims made by plaintiff, then shows how she "interpreted" (p.4: "my interpretation", "my impression") Laurie's statement, while Coleman left out things that prove plaintiff's claims, yet still not showing proof she did not lie. She went on to lie in to the court in that affidavit stating, "including the fact that Lockerby was wearing a nightgown." He most certainly wasn't, nor was he wearing a "long t-shirt" which she said right above that "fact", claiming "long t-shirt" was her "interpretation" apparently of a non-"fact" "nightgown."

38. "Evening" also was Coleman's "impression". One of her "victims", Jesse Blaskowsky, told her that it was after school that she went to plaintiff's house and that it was a rainy <u>day</u>. Coleman expected all courts to overlook her lies to the grand jury, in her police reports, depositions and affidavits because she has an "impression" or "interpretation" of what someone really means when they talk to her or anyone else.

39. On page 9 of her Dec. 3 affidavit, paragraph 16, Coleman has defended her claim by stating plaintiff said a certain thing; but then she takes it out of context and combines it in this affidavit with what

what Laurie Blaskowsky told her, which was proven to be lies, of Laurie's claim of a sexual exchange of touches between plaintiff and Lisa Freeman. Therefore, for the first time, there is an admission of sorts by Coleman that she took a statement out of context of plaintiff's to mislead the listener of said partial statement, into the belief that plaintiff was somehow "admitting" to sexual activity with a child. That was admittedly a false statement of Laurie as she confessed to Stanton Bloom, where she told Stanton that plaintiff never "adnitted to" any sexual activity with either child. Coleman in this instance of her affidavit is talking about Lisa and, as shown, Lisa confessed to her mother and to Stephen Palys that plaintiff had never contacted Lisa in a sexual manner, while claiming that she had sexually assaulted him.

40. On pages 9-10 of Coleman's affidavit, she doesn't defend herself against plaintiff's claims of her false statement claiming plaintiff "allowed" a boy to touch his penis which he hadn't said by his wording or by his polygraph, but according to Coleman it "certainly suggests plaintiff was allowing it to happen." Still another false conclusion of Coleman's presented to the courts as a "fact." Then Coleman went on to conclude that since plaintiff mentioned a lady in Colorado regarding one story, then that must automatically means that she was right in concluding that that "boy's" mother's name was Karen, which it clearly was not.

41. On pages 10-11, of Coleman's Dec. 3 affidavit she admittedly says that she did say something incredibly derogatory, defamatory and slanderous regarding plaintiff and his daughter, something plaintiff never said, as proven by his own recorded words in Laurie's "crank call." Coleman claimed

her false statement was fact and in her defense it is only one of her incredible slanderous "interpretations" of plaintiff talking about non-assertive and assertive females, including women in general. Not onis she making that "interpretation" fact, she lied in her defense, stating that "plaintiff earlier described (Jesse) as opening his pants and seeing his penis." That was yet another statement that plaintiff had never said. Coleman went on to say that it was her "interpretation...that he was referring to what Jesse did, which was opening his pants to see his penis." She first makes a false claim of what plaintiff supposedly said Jesse did, then makes it a fact that Jesse opened up plaintiff's pants, then concludes that plaintiff's daughter did the same. Most of the time, Coleman has concluded that Jesse had not done anything to plaintiff, until Coleman's statement to the contrary to Stanton Bloom. Depending on what will benefit herself, she changes responsibility for the sexual activity from plaintiff to Jesse or from Jesse to plaintiff. In this instance Jesse was responsible, so that plaintiff's daughter could also be responsible for an act that plaintiff never claimed Jesse had done to him and Jesse had never claimed she had done.

42. On pages 12-13, of Coleman's affidavit she makes two strange claims and she defends a statement that plaintiff had not said, by concluding with a statement that plaintiff called one of her lies. Plaintiff did say that Jesse "pulled back" the leg of his shorts. He never claimed otherwise, which was his point. Coleman claimed in her affidavit in conclusion, "As stated above, plaintiff did say that Jessie would open his pants and that he would be exposed to her." Yet if you read what is "stated a-

bove" in her affidavit, plaintiff most certainly "did" not "say that Jessie would open his pants..." Coleman said that, not plaintiff. But, then think about what that means to the listener. Some guy standing or sitting there helpless and blameless while a child "open(s) his pants". That is a lot different meaning and interpretation than being a victim of someone taking a second or less to pull back the pant leg of a pair of shorts. Coleman's false statement prior to this and to the court takes away the responsibility from Jesse and gives it to plaintiff, changing plaintiff's statement of the facts. Of course he passed a polygraph on that one made up by Coleman. Coleman attempted to lie her way out of a lie.

43. On page 13, of her affidavit Coleman claimed there were other claims without merit by plaintiff without defending against them. They're obviously likely not without merit, seeing how she defended against the ones she thought she could defend against and how plaintiff presented evidence of his claims. She went on to state she believed probable cause existed when it clearly did not. And she went on to claim that the warrant was obtained by her in "good faith". "Good faith" would include an officer not finding the need to falsify all her police reports and affidavit to obtain said warrant and lie massively to the grand jury, therefore it obviously had not been obtained in "good faith". She made no showing to the court that she obtained the warrant in "good faith" or any reason to believe that over all of her false statements.

44. The defendants have presented that affidavit of defendant Coleman's as her defense of her fraudulent statements and some of her actions, while at the same time she claimed immunity.

45. The defendants submitted defendant Coleman's numerous false statements in her affidavit as an exhibit to support their "Reply" to the Superior Court the defendants cite Franks v. Delaware, 438 U.S. 154, 171, 98, S.Ct. 2674, 2684 (1978), while stating "Plaintiff claims that Deputy Coleman made some false statements in her affidavit." Franks v. Delaware, "...there is a presumption of validity with respect to the affidavit supporting a warrant...That presumption is overcome only if the plaintiff proves (1) that the affiant knowingly and intentionally, or with reckless disregard for the truth, included false statements in the affidavit: and (2) that the false statements were necessary to the finding of probable cause." Well that was certainly easy to prove by the plaintiff as shown, and if Coleman had testified to the truth both to her supervisor Sandra Hansen and to the grand jury, as well as investigated the obvious lies of Lisa Freeman, Laurie Blaskowsky, and Jesse Blaskowksy, as well as the statement of plaintiff's, as well as her not lieing to and threatening Linda Meeks and Lisa Freeman, and not lying in her arrest warrant affidavit, there would never have been an arrest of plaintiff as the evidence has shown (Plaintiff's Statement of Facts, and his supporting 62 Exhibits.)

46. In the defendants' "Reply" motion the defendants continued to fraudulently present their false "fact" to "support" "probable cause" that "plaintiff's admissions to Laurie Blaskowsky, the mother of one of the victims, that the incidents had occurred, but that they were the children's fault, not his fault." As already shown herein and in the courts by the plaintiff, Laurie Blaskowsky and defendant Detective Coleman admitted to Attorney Stanton Bloom

that plaintiff had not admitted anything, together with Kathleen Mayer's statement in her "Motion to Preclude" plaintiff's recorded statement referred to by her as the "confrontational call", also known as the "crank call." Mayer's stated that plaintiff had not made any admissions, while she called his statement "self-serving hearsay." Then the defendants reversed that factual evidence in their "Reply" motion, by fraudulently claiming material fact existed, that no matter who confessed or what evidence showed the plaintiff wasn't guilty, somehow he is still guilty because they chose to reverse the evidence to make his statements "admissions", since Laurie Blaskowsky said to Coleman that he "admitted" something, which Laurie later said he hadn't, as the evidence showed when she talked to Stanton Bloom. Continuing to repeat hearsay or known fraudulent statements does not give them probable cause or support for their summary judgments motions.

47. In their "Reply" motion, the defendants relied on Coleman's false statements in her affidavit, stating that she had not lied to the grand jury, without supporting evidence as plaintiff had presented that she had lied to the grand jury. Without any proof showing that she hadn't lied, the defendants claim immunity anyway and that that issue is not for the court to decide.

48. The false presentations and representations as to material fact and law were made by the defendant Dugal and his clients/defendants with the intent that the Superior Court and later the Court of Appeals would rely upon them as true to the detriment of plaintiff, which the Courts did.

49. The defendants and their attorney/defendant Thomas Dugal conspired to commit a fraud and then committed a fraud on the

Superior Court and the Arizona Court of Appeals by way of their false filings and by way of defendant Dugal's false statement in hearing in the Superior Court.

50. The defendants had in their possession at all times the true documented facts, but omitted most of them in the case including falsified police reports and major perjury by defendant Cynthia Coleman in the criminal case brought against plaintiff.

51. At no time did any defendant, including Thomas Dugal, make appropriate changes to correct the misrepresented "facts" or inform the Courts that their presentation was false, misleading, or was a gross omission and misrepresentation of the true facts supported by false affidavits. The affidavits submitted by the defendants was a misuse of affidavits.

52. Defendant Thomas Dugal with his clients/defendants further concealed his clients'/defendants' fraud in the initial criminal case against the plaintiff and concealed the perpetuated fraud in the civil rights suit by his clients/defendants with his and their failure to disclose material fact which is an indirect representation that such fact does not exist. Concealment of fraud constitutes a fraud.

COUNT FOUR

1. Counts One through three are herein incorporated by reference.

2. In furtherance of the scheme to defraud plaintiff, and for the purpose of executing such scheme and artifice to defraud, the defendants knowingly caused numerous matter to be delivered by First Class Priority Mail by and through the United States Postal Service, according to direction thereon to plaintiff and to plaintiff through plaintiff's attorney.

3. The defendants through their attorney/defendant Thomas Dugal sent copies of those

false statements in their documents they filed with the Clerks of the Pima County Superior Court and the Arizona Court of Appeals to plaintiff and/or to plaintiff's attorney to perpetuate their fraud. All in violation of Title 18, United States Code, Section 1341.

COUNT FIVE

1. Counts One through Four are herein incorporated by reference.

2. The defendants presented two false affidavits to support the "Defendants' Statement of Facts". Those affidavits conflicted with the true known facts and the plaintiff's affidavit and facts. Those affidavits first presented to the Pima County Superior Court and later quoted to the Arizona Court of Appeals were that of Cynthia Coleman and Kathi Mayer. Another false affidavit was also presented by the defendants to the Superior Court of defendant Pam Treadwell-Rubin, as previously shown.

3. The defendants knew that those statements in their statement of facts to the Superior Court, in their "Brief" to the Court of Appeals, and in the defendants' motions were false, but ignored their duty to the plaintiff and to the Courts to notify the Courts of those facts and that a fraud was being perpetrated on each of those Courts. Thus, all defendants including defendant Thomas Dugal became accomplices to the fraud on a Civil Rights Case while the fraud was being perpetrated and after the fact.

4. The defendant Thomas Dugal filed those false affidavits knowing at all times they were obviously false as the evidence proved and he didn't indicate to Courts they were false and part of the fraud being perpetrated on the Court and plaintiff by his clients, thus defendant Dugal became part of the fraud. Defendant Dugal went a

step further and quoted from those false affidavits in his motions, documents, and/or oral presentations to the Pima County Superior Court and to the Court of Appeals, preserving that false testimony and evidence in the commission of a fraud with his clients/defendants against the Courts and the plaintiff. While at the same time defendant Dugal sent that false preserved testimony and evidence through the United States Postal Service to the plaintiff and/or plaintiff's lawyer.

5. The Superior Court made a statement that it refused to read the facts on the case as submitted by the plaintiff, but would read the motions. The defendant Thomas Dugal owed a duty to the plaintiff and to the Court to tell the Court of the fraud being perpetrated upon the plaintiff and the Court. The Pima County Superior Court ruled based on the fraudulent presentations in favor of the perpetrators of the fraud, the defendants.

6. Thus, the defendants conspired together and willfully violated the Rules of Civil Procedure and the rules governing affidavits and any Rule governing legal ethics regarding their positions and duty.

7. Furthermore, conflicting affidavits support material factual issues being in dispute which dissallows the granting of a summary judgment, at least in part. Both the plaintiff's affidavit and Statement of Facts were in direct contradiction to the County Defendants' Statement of Facts and affidavits. The plaintiff's affidavit and Statement of Facts were supported by 62 exhibits. The County defendants' Statement of Facts and affidavits were contrary to the evidence.

8. The Arizona Court of Appeals relied on that same information and the fraud contained in the "Appellees Answering Brief"

submitted to it by the defendants by and through their attorney/defendant Thomas Dugal in that Court's decision affirming the Pima County Superior Court's Decision.

COUNT SIX

1. Counts One through Five are herein incorporated by reference.

2. The defendant Thomas Dugal made false slanderous remarks in hearings in the Superior Court and documents submitted to that Court and the Arizona Court of Appeals as the evidence will show in an attempt to persuade that Court in making a decision for his clients/defendants.

3. The defendants through their attorney/defendant Mr. Dugal submitted fraudulent affidavits of the defendants' which contained slanderous and defamatory remarks made by the defendants against the plaintiff on which the Courts relied. Those defamatory and slanderous statements were preserved fraudulent testimony and false evidence by Thomas Dugal in the defendants' motions, statements of fact, oral presentation and their "Appellees' Answering Brief".

COUNT SEVEN

1. Counts One through Six are herein incorporated by reference.

2 . The defendant, Mr. Dugal continued his defamatory and slanderous remarks in the "Appellees' Answering Brief" of the defendants submitted to the Arizona Court of Appels on March 31st, 1995. In that document defendant Dugal falsely stated often prejudicial, defamatory, slanderous, and inflammatory remarks. He often referred to Lisa Freeman and Jesse Blaskowsky as "minor victims" and claimed "others" to be "victims" when it had been thoroughly proven that no "victim" existed other than the plaintiff.

3. Defendant Dugal's fabrications mirrored the fabrication of as was first star-

ted by defendant Cynthia Coleman in 1990 against the actual proof that none existed.

4. The defendants continuously falsely claimed "minor victims" existed throughout the criminal action against plaintiff and civil actions against the defendants in the Superior Court and throughout their "Brief" for the Arizona Court of Appeals in an attempt to persuade the Courts into prejudicial thoughts against plaintiff in order to get those Courts to rely on those false statements in their decisions for the defendants.

5. Both the Superior Court and the Court of Appeals decided in favor of the defendants and the Arizona Supreme Court denied review of the matter, perhaps because of reading the same false statements and presentations of the defendants' or simply standing on the Arizona Court of Appeals decision on those false presentations. The final decisions came from the Arizona Court of Appeals and from the Arizona Supreme Court in February of 1996.

6. The Arizona Supreme Court had previously decided that a person who has been denied his rights due to any policy-maker such as an officer's or County Attorney's decision can sue the County. And that the individual who has "final poilicy-making authority" binds the County to his or her decisions, as the facts show in the plaintiff's case similar to that case of City of Phoenix v. Yarnell CV-94-0416-PR, decided in 1996.

COUNT EIGHT

1. Counts One through Seven are herein incorporated by reference.

2. In the defendants' "Appelees' Answering Brief" the defendants by and through their attorney/defendant, Thomas Dugal, falsely claimed that defendant Sandra Hansen didn't known that Officer Cynthia

Coleman had falsified her police reports. The evidence of Sandra Hansen reading Coleman's false police reports and 'evidence' was supported by Sandra Hansen's own affidavit, and that Hansen advised Coleman in her actions to proceed anyway against the plaintiff in criminal charges and secretly record him against his knowledge, thus a conspiracy to deprive the plaintiff of his 14th Amendment rights and 5th and 6th Amendment rights and falsely arrest plaintiff, and based on the fraud to search his home.

3. The defendant Dugal falsely claimed to the Court of Appeals that the plaintiff's proven claim that Cynthia Coleman committed perjury in a grand jury hearing "is without merit". Defendant Dugal repeated defendant Cynthia Coleman's false claim that the plaintiff "admitted that he had sexual contact with Jesse, a minor, and others." The evidence showed no such things to exist. First, the plaintiff never claimed to have had sexual contact with any child, including Jesse. Second, Jesse never claimed any sexual contact by plaintiff. Third, the only "others" forced by Coleman into supposedly claiming "contact" was Lisa Freeman who had confessed prior to plaintiff's arrest that plaintiff had made no such contact, but that she had assaulted him. Fourth, then as the defendant Coleman admitted in her deposition she threatened Lisa Freeman into cooperation against the plaintiff, thus Lisa Freeman played the role of a "victim".

4. In that "Brief" Thomas Dugal further lied to the Court of Appeals, stating that "There is no evidence that Deputy Coleman misled or lied to the grand jury." The evidence is absolute and massively documented. Furthermore, Deputy Coleman in her own words in a recorded deposition admitted putting her own words as facts when the evi-

dence showed otherwise. She further admitted neither plaintiff nor Jesse claimed any sexual contact, and "sexual contact" were her (Coleman's) words. While lying to the Court of Appeals on that issue, Mr. Thomas Dugal continued to claim the existence of "victims" when the evidence showed none to exist. Mr. Dugal has had the case since 1992 and as late as March 31, 1995 he still intentionally falsely claimed the existence of "victims" in the defendants' "Brief" to the Arizona Court of Appeals. The defendant went further to claim that the law supports immunity for Coleman unless she knowingly gives false testimony. The evidence is absolute that she did knowingly and intentionally massively lied to the grand jury. Defendant Dugal then falsely implied because he says no evidence existed of that, therefore, "summary judgment was properly granted as to that claim." Mr. Dugal mentioned only a tiny portion of the facts of the perjury and omits the greatest extent of the facts.

5. Mr. Dugal had about the same argument regarding Cynthia Coleman's falsified affidavit for arrest and search warrants which were falsified en mass as the evidence proved. The defendant told the Court of Appeals that the plaintiff "failed to identify or discuss these false statement, much less any evidence that the statements were deliberately or recklessly made, or that they were necessary to a finding of probable cause." The evidence clearly shows that the plaintiff had not "failed" to do any of these blatantly false claims made by the defendant Dugal. Furthermore, the defendant had claimed that the plaintiff had not supported the evidence with affidavits, depositions or admissible evidence which clearly had been done.

6. Again the defendant made slanderous

remarks, falsely claiming, "That the evidence included statements from the minor victims, who described various sexual crimes committed by plaintiff, including at his house." First, all defendants including Mr. Dugal knew that there were no "minor victims". The Court of Appeals is reading otherwise from Dugal's libelous statements. Second, Dugal says that "sexual crimes" were definitely "committed by plaintiff". The evidence clearly shows otherwise, but the Court is relying on the fraudulent statement of defendant Dugal. Third, the so-called "minor victims" did not describe "various sexual crimes committed by plaintiff, including at his house." The Court of Appeals doesn't know that. They have the word of Thomas Dugal, a representative of the court system.

7. Thomas Dugal further wrote that the "evidence also included information received from Laurie Blaskowsky about other possible victims..." The Court of Appeals does not know that that also does not exist, but they have a representative of the court system, Thomas Dugal, falsely claiming such evidence exists. The Court of Appeals also decided that probable cause existed based on the fraudulent statements of defendant Dugal, when none existed.

8. Defendant Dugal stated that "not only could a reasonable officer have believed that probable cause existed, but that probable cause did exist. Therefore, summary judgment was properly granted to Deputy Coleman on this claim." The Court of Appeals made a decision which was not asked for, stating probable cause existed. By Deputy Coleman's own testimony in her depositions she indicated her mind set against plaintiff regardless of the facts not along with the facts. As was indicated, her mind set was against a male proven to be telling

the truth and in favor of several females she knew to be lying. That hardly would be considered "a reasonable officer." "A reasonable officer" furthermore doesn't commit massive perjury in a grand jury hearing, as did Cynthia Coleman. "A reasonable officer" doesn't overlook the facts and make up her own new ones as did Officer Coleman throughout her police reports and affidavits. "A reasonable officer" doesn't threaten, as as did Officer Coleman, a suspected perpetrator of a crime of sexual assault into become the "victim" of the victim of that sexual assault. "A reasonable officer" doen't threaten, as did defendant Coleman, a fugitive from felony warrants in New Mexico who is trying to blackmail the plaintiff, into cooperation against the victim/plaintiff of the blackmail. At the very least "a reasonable officer" would first investigate any allegation. And a reasonable officer would obey and uphold the law and the Constitution of the United States and not endanger the life of a man on no evidence against him.

9. Clearly the defendants violated the plaintiff's rights of equal protection under the law protected by the 14th Amendment to the Constitution of the United States. Together the defendants harbored a known fugitive, Linda Meeks.

10. The defendants by and through their attorney/defendant Dugal denied in their "Brief" to the Arizona Court of Appeals that that there "was any damage" to plaintiff's 24 journals, a material factual issue for a jury to decide. The defendant Dugal after denying the damage went on to describe the damage done, and then claiming at that late date that it was the F.B.I. in Washington D.C. that did the damage. That informaton should have been established in the disclosure process and wasn't

first disclosed until defendants' second summary judgment in which they answered that claim two years late in violation of the Arizona Rules of Civil procedure. The defendant went on further to claim that the plaintiff could not recover losses due to emotional distress, ignoring plaintiff's claim of the journals being damaged, also. The defendant stated that the plaintiff claimed the distress in the "trial court" implying that was the entirety of the claim. That misleading claim was upheld by the Arizona Court of Appeals in favor of the defendants, a reversible error. Destruction of 24 journals was and still is a jury issue, not to be decided by Mr. Dugal.

11. Furthermore, defendant Dugal blantantly falsely stated to the Court of Appeals that marking pages with a large red number on all the pages of 24 journals isn't "evidence that numbering the pages of the journals physically damaged them."

12. Then Dugal went on to say "if plaintiff doesn't want the page numbers in his journals, presumably he could cross them out or white them out at little or no cost." That's 24 journals with entries of of 365 days per year plus the inside of the back and front covers of the 24 journals all "Bates-marked" with a large red ink stamped or written number on every page with an entry. It is not up to plaintiff to restore his property to its original condition or to pay the cost to have it restored. There may be no way to actually restore it to original condition.

13. It is a material fact issue for a jury to decide. Possessions taken from the house of anyone arrested innocent or not are to be returned to that person in the condition as they were taken. As the evidence showed Detective Cynthia Coleman had no knowledge or reason to believe that

there were any fruits or instramentalities in plaintiff's house that would support a claim that he was a child molester or had committed any crimes, and especially from her own words, in plaintiff's journals. Furthermore, the evidence has proven that her search warrant affidavit was fraudulently devised to gain access to plaintiff's house and seize his possessions.

14. Any evidence taken out of the journals supported the plaintiff's innocence. Still the journals were returned to plaintiff in a condition that he could not use them and hasn't used them since they were returned to him in 1992. They are a permanent loss of 24 years of his privacy and written work and the time incurred to write those journals and the information contained therein.

15. Defendant Dugal referred to the journals destruction as "de minimus" and the cost to remove the damage as "de minimus" and cited ridiculous case law on "de minimus" destruction of property with costs of $8.00, $.15, $6.00 and $16.00 at issue in those cases. Destroyed property has a value and that value is declared by the owner of that property and not Mr. Dugal. That is another jury issue as to the extent of damage and where it was and if "de minimus" and the defendant/lawyer has misrepresented the law to the Court on the subject in violation of the rules of ethical conduct which could be viewed as part of the perpetration of his and his co-defendants' fraud on the Courts of Arizona.

16. The defendants violation of Rules of Civil Procedure when they attached to the Hansen lawsuit their two years late Answer to plaintiff's claim of the destruction of his journals. It was allowed by the Superior Court over the objections of the plaintiff. Then the Court ruled on all issues

for the defendants, factual or not. That issue was presented to the Arizona Court of Appeals as a reversible error and that Court refused to rule on it other than to affirm the lower Court's decision.

17. That material fact was in dispute and automatically should have been held over for a jury trial, and should have by the Rules regarding Summary Judgments prevented the Court from granting a blanket Summary judgment to the defendants, at least in part.

18. Furthermore, the defendant Dugal falsely stated in "Appellees Answering Brief" to the Arizona Court of Appeals that the summary judgment granted the defendants, including Deputy Coleman, were "properly granted", which is a false claim, if fraud had been perpetrated on the Court to obtain those decisions, which is the case.

COUNT NINE

1. Counts One through Eight are herein incorporated by reference.

2. The defendants by and through their attorney/defendant Thomas Dugal filed a fraudulent statement on the facts of the criminal and civil rights case in their "Appellees' Answering Brief" with the Clerk of the Arizona Court of Appeals. Some of those numerous false statements were reiterated from the false statements first manufactured in falsified affidavits and police reports of defendant Officer Coleman from the criminal case.

3. The fraud continued in her affidavit and false presentations in the civil case and were restated in the defendants' false statement of facts as though they were true. Then, once again restated in their false "Facts" as presented to the Arizona Court of Appeals.

4. The defendants submitted their false presentations in the Superior Court on

which that court relied, granting them a decision for their Summary Judgment motions. Their false presentations to the Arizona Court of Appeals was a continuation of a semi-successful fraud that had been perpetrated on the tribunals starting in 1990 when the criminal case was first initiated against plaintiff. It was successful only to a point in the criminal case and that was to prosecute plaintiff for 1½ years without one piece of evidence against him and all evidence showed he was innocent. By prayer to God in Jesus' name the plaintiff was saved from the defendants' corruption, crimes and fraud. God gave him strength throughout his ordeal and refusal to plea bargain while facing approximately 137 mandatory years in prison for something he had not done. And by those prayers his enemies, including Officer Coleman began to confess the truth and their wrongdoings against him.

5. That same fraud was continued in the civil rights/tort case against the defendants and was successful in part because the court said it would not read the facts submitted by plaintiff, which were the true facts. Having been successful in their fraud in the Pima County Superior Court, the defendants by and through their attorney/defendant, Mr. Dugal, continued the fraud upon the Arizona Court of Appeals and again were successful with that court affirming the trial Court's decision granting the defendants a blanket summary judgment on all issues regarding law and material facts.

6. The defendants submitted in their "Appellees' Answering Brief" such statements as "On September 6, 1990, the case was presented to the grand jury , which returned an indictment charging the plaintiff with the same offenses alleged in the com-

plaint." At no point did the defendants or their attorney/defendant present the entire picture of that statement. Detective Cynthia Coleman obviously committed perjury in front of the grand jury nearly en masse. That is clearly and obviously proven by massive documented evidence. Furthermore, prior to the grand jury hearing the defendants knew or should have known that the plaintiff was innocent or at the minimum that all the witnesses against him had obviously lied. But the defendants presented to the Arizona Court of Appeals false information about those witnesses statements knowing at all times they were false and proven false. As in the Superior Court the defendants continued to leave out pertinent information of those real facts and continued to present false or misleading statements.

7. The defendants submitted to the Superior Court two of three statements from one "non-victim", Lisa Freeman, but omitted her third statement where Officer Cynthia Coleman finally confronts Lisa Freeman about her lying. Although, it was obvious that Lisa was lying throughout her three statements, it wasn't until her third statement that Coleman finally challenged one of her lies.

8. At no point to any tribunal do the defendants mention that Lisa Freeman had confessed prior to plaintiff's arrest that she was the prepetrator of sexual assaults on plaintiff and that plaintiff had never touched her in a sexual way. At no point do the defendants submit the fact that Detective Coleman threatened Lisa Freeman into cooperation and lead her through her statements to say things that did not obviously happen. But the defendants simply state false statements of Cynthia Coleman, Lisa Freeman,and others as true. At no time do the defendants introduce evidence that they

knew prior to plaintiff's arrest that he had been repeatedly sexually assaulted by Lisa and her mother knew about it. All of which was later proven to be true. Instead the defendants tried to obstruct that knowledge and a witness of that knowledge being entered into evidence or that counselor being interviewed, James Burns and Stephen Palys.

9. At no time do the defendants present evidence that Jesse Blaskowsky and her mother lied to Detective Coleman. In fact they tried to obstruct a man coming forward who had been sexually assaulted by Jesse Blaskowsky in the same time period that Jesse was acting out towards plaintiff. Defendant Kathi Mayers tried to minimize at the risk of plaintiff's life that witnesses' statement as just a brushing by of that man's penis by Jesse. At no time does any defendant disclose that during the prosecution of plaintiff that Jesse's mother was arrested, a violation of the disclosure rules. At no time did the defendants make it know n that Laurie Blaskowsky claimed in her deposition to have witnessed similar sexual activity of her daughter's as did the plaintiff. Yet the defendants made fraudulent presentations to all tribunals and attempt to continue to obstruct justice at the continued detriment of and cost to the plaintiff. The plaintiff wants compensatory and actual and punitive damages from each and every defendant as demanded herein.

10. In finality, the defendants through their attorney/defendant made another false statement that was not supported by fact and greatly prejudicial and known to be a false statement and misleading statement. In their "Appellees' Answering Brief" their attorney/defendant Dugal, stated "According to the prosecutor, the reason the case was was dismissed was not because of the plain-

tiff's culpability, but rather various court rulings, as well as the reluctance on the part of the victims' parents to subject their minor children to a trial. Defendant Dugal took that from a false affidavit of defendant Kathi Mayer. All defendants knew from the evidence that that was a lie, yet Mr. Dugal presented it as a fact for the Arizona Court of Appeals to rely upon as if it were true.

11. The evidence showed and Coleman admitted in her depositions and police report that she threatened Lisa Freeman and her mother into cooperation because they continually refused to cooperate from the first time Coleman contacted them. So at all times those alleged witnesses had no desire to cooperate, knowing, that Lisa Freeman was the perpetrator and not the plaintiff of sexual assault. The evidence clearly shows that none of the defendants had Lisa's mother arrested for her outstanding warrants in New Mexico. But Coleman's threat upon Lisa and her mother moved them into submission to make false statements against plaintiff after both mother and daughter confessed to their counselor that the perpetrator, commonly known to all parties as the perpetrator of the sexual assault, was Lisa Freeman on the body of the victim/plaintiff.

12. Lisa nor her mother initiate d any complaint against plaintiff since they knew the truth. Coleman went to them to participate against the plaintiff from information she had from plaintiff that he had been repeatedly sexually assaulted by Lisa years earlier.

13. Laurie Blaskowsky and then her daughter complained to detective Coleman only after Laurie was threatened to do so by a nurse that she talked to regarding the situation. Laurie and her daughter's state-

ments were proven to be massively false prior to and again after plaintiff's arrest.

14. The defendants knew at all times starting prior to plaintiff's arrest the children's actions around plaintiff were years apart and the defendants knew what those actions were in detail. The defendants knew at all times the information against plaintiff was false and that the defendant Coleman committed many crimes against plaintiff rather than investigate the facts, in order to build a fraudulent case, endangering the life and rights of the plaintiff in disregard of the true facts and of a woman who was trying to blackmail plaintiff for one of his houses. The defendants refused to arrest Linda Meeks on the warrants, but insisted on prosecuting plaintiff and attempting to get him to plea bargain to "disorderly conduct" or put him in prison for approximately 137 mandatory years for crimes he had not committed in order to cover up the felonies committed against him by Detective Cynthia Coleman and by her accomplices and co-conspirators/defendants in her and their mutual frauds and deprivations of plaintiff's constitutional rights.

15. Every false statement made by the defendants in their statement of facts to either tribunal has been proven false prior to their making them. For example: Lisa Freeman never said that plaintiff bit her breasts. Plaintiff never said that he did. That proven lie was quoted by defendants in their statement of facts to the Superior Court and in their "Brief" to the Arizona Court of Appeals as if it were a fact and true. Lisa Freeman confessed prior to plaintiff's arrest that she never was touched in a sexual way by plaintiff. The defendants secretly recorded plaintiff's statement without his knowledge prior to his arrest

in violation of his 5th and 6th Amendment Rights. In that recording the plaintiff obviously did not say he bit Lisa's breasts.

16. That type of false claim was presented throughout the defendants' statements of facts to the Superior Court and the Court of Appeals in which the defendant attempted to move the Courts to rely on those proven untrue prejudicial and defamatory remarks, while intentionally eliminating the true facts.

17. Throughout the civil case hearings and by submitted documents to the tribunals the defendants through their attorney/defendant submitted slanderous statements that "victims" somehow existed and still exist, calling Lisa Freeman and Jessie Blaskowsky "victims" when it had been obviously proven they had not been victims, one by her own confession and the second by her mother, plaintiff's, and the man she sexually assaulted statements and both by plaintiff's 43 lie-detector tests taken and passed and the massive amount of evidence of those fats. That unusual extensive and massive number of polygraph tests taken and passed by plaintiff were know to the defendants as early as January of February, 1991. The prosecution of plaintiff didn't end until March of 1992.

18. Defendant Dugal stated to the Court of Appeals in their "Brief" that the plaintiff's Opening Brief was a "distortion of the events of this case, as well as a distortion of the events giving rise to this case." without Mr. Dugal showing proof of such. It was no distortion of events. It was documented and those documents, in possession of all parties, were submitted by plaintiff as evidence of the truth of the facts of the case presented by plaintiff.

19. Defendant Thomas Dugal clearly shows by his own false statements in "Appellees'

Answering Brief" that genuine material issues were in dispute, but implied to both tribunals that none was shown to be in dispute by the plaintiff, then the defendant objects to the showing of the plaintiff's statement of facts and his supporting 62 exhibits.

COUNT TEN

1. Counts One through Nine are herein incorporated by reference.

2. Detective Cynthia Coleman made false statements to Karen Vigil, a friend of plaintiff's in Colorado out of Coleman's jurisdiction slandering and defaming plaintiff in an attempt to convince Karen Vigil that somehow her son was a "victim". All defendants knew that the defendant Coleman was making those false statements and misrepresenting the facts to induce someone to claim he was a "victim."

COUNT ELEVEN

1. Counts One through Ten are herein incorporated by reference.

2. In furtherance of the scheme to defraud plaintiff, and for purpose of executing such scheme and artifice to defraud, the plaintiff believes that defendant Thomas Dugal knowingly caused "Appellees' Answering Brief" to be mis-directed by First Class Priority Mail by and through the United States Postal Service, according to false direction thereon.

2. The plaintiff believes that to further obstruct the plaintiff's pursuit of justice, the defendant Dugal intentionally misdirected the "Appellees' Answering Brief" by misdirections thereon to: "Glenn Lockerby, State Box 31323, Tucson, AZ., 85751". The defendants had plaintiff's real address as early as 1990. Mr. Dugal had it as early as 1992. The plaintiff received that "Brief" in the mail months later. Plaintiff's real mailing address was on all of plaintiff's

documents in which he acted "pro per" as: "Glenn Lockerby, P.O. Box 31324, Tucson, Az. 85751." The plaintiff accidently caught that misdirection by a conversation he had with the Clerk of the Arizona Court of Appeals and promptly acted on that information.

COUNT TWELVE

1. Counts One through Eleven are herein incorporated by reference.

2. In furtherance of the scheme to defraud plaintiff, and for the purpse of executing such scheme and artifice to defraud, the defendant knowingly caused numerous matter to be delivered by First Class Priority Mail by and through the United States Postal Service, according to direction thereon to plaintiff and to plaintiff's attorney.

3. Defendant Thomas Dugal sent threatening letters by way of the U.S. Postal Service to the plaintiff and plaintiff's lawyer by way of the plaintiff's lawyer with misrepresentations of the facts and of the law. Those letters from the defendants' attorney, Mr. Dugal, which threatened both the plaintiff and the defendant with sanctions and attorney fees, cited Rule 11 of the Arizona Rules of Civil Procedure. In Mr. Dugal's letter, dated January 5th, 1993, Dugal falsely stated there was not a "good faith legal basis for any claim made" and misused the Rule.

3. In itself, Dugal's opinion is a meaningless maneuver and hoax, considering the massive evidence to the contrary. That letter intimidated plaintiff's attorney into non-action or little action connected with the suit.

4. Defendant Thomas Dugal continued his attempt through the US. Postal Service to threaten plaintiff and his counsel by yet another mailing dated June 15, 1993 which intimidated the counsel of plaintiff's fur-

ther. That mailing of the defendant's also had false statements on law and material fact, claiming that the suit was "not supported by law or evidence." and then threatened the plaintiff and his counsel with fees from both plaintiff and "personally" against plaintiff's counsel, falsely claiming the right under Rule 11 as he did in the January 5th, 1993 letter.

5. That threat also intimidated the plaintiff's counsel into little or no action on the suit as the evidence will show.

COUNT THIRTEEN

1. Counts One through Twelve are herein incorporated by reference.

2. The defendant caused the plaintiff to further suffer damages financially and emotionally.

3. Plaintiff could not visit his father on his death bed nor could he attend his father's funeral or give support to his family in person. That was a direct result of not having the funds to travel to New York.

4. The plaintiff has suffered additional loses as a direct result of the defendants' fraud on the Pima County Superior Court and the Arizona Court of Appeals.

COUNT FOURTEEN

1. Counts One through Thirteen are herein incorporated by reference.

2. The plaintiff appealed his case to the Arizona Court of Appeals and the lower Court's decision was affirmed and the plaintiff's motion to the Arizona Supreme Court for Review of the case was denied. All decision were a direct result of the defendants' fraudulant misrepresentations in the Superior Court and the Court of Appeals.

3. As a direct result of the claims made in this complaint and of the defendants' actions, lack of actions, complicity in a fraud on the Arizona Courts, deceptions, conspiracy, fraud, refusal to investigate

obstruction of justice, mail fraud, breach of legal and equitable duty, the defendants deliberately, deceitfully and willfully acted to the injury, pain, suffering, financial hardship, and detriment of plaintiff and his suit brought against them under Title 42 United States Code, Section 1983. As a direct result of defendant's scheme the plaintiff lost greatly as shown herein, including his reputation.

2. The defendants by and through their attorney, defendant Dugal purposed in their actions to defraud plaintiff in plaintiff's Civil Rights action in favor of the Pima County Defendants by way of their Motions for Summary Judgment, thereby becoming responsible with their attorney, Mr. Dugal, to the Plaintiff for losses originally claimed and incurred by the plaintiff plus further loses, costs and interest in that civil rights suit and this action brought against the defendants.

COUNT FIFTEEN

1. Counts One through Fourteen are herein incorporated by reference.

2. For the reasons set forth in this Complaint the defendants have acted in violation of plaintiff's rights to make a claim brought under Title 42, United States Code, Section 1983 against them and Pima County, et. al. For the reasons set forth in this Complaint the defendants are in violation of Title 18, United States Section 1341. For the reasons set for in this Complaint the defendants are in violation of Title 42, United States Code, Sections 1983, 1985, 1986 and all rights provided to plaintiff by those Codes.

WHEREFORE, the plaintiff prays for judgment against each defendant separately in the sum of $20,000,000 actual and compensatory from the losses, pain, and suffering described herein and those asked for in the

initial civil rights lawsuit, and all future pain and suffering and costs, plus $20,000,000 each defendant in punitive damages, together with interest and costs, plus any further relief the Court finds just and proper.

PLAINTIFF demands a jury trial on his cause of action.

DATED this 12th day of June, 1996.

GLENN LOCKERBY
GLENN LOCKERBY
Pro Per, For the Plaintiff